



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 2 March 2011

Session 3

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## Wednesday 2 March 2011

### CONTENTS

	<b>Col.</b>
<b>TIME FOR REFLECTION</b> .....	33603
Pastor Duncan Strathdee Jr (Dunblane Christian Fellowship).....	33603
<b>BUSINESS MOTION</b> .....	33605
<i>Motion moved—[Bruce Crawford].</i>	
<b>EPILEPSY AWARENESS TRAINING</b> .....	33606
<i>Motion debated—[Kenneth Gibson].</i>	
Kenneth Gibson (Cunninghame North) (SNP).....	33606
Dr Richard Simpson (Mid Scotland and Fife) (Lab).....	33609
Alasdair Allan (Western Isles) (SNP).....	33610
Nanette Milne (North East Scotland) (Con).....	33612
Jamie Stone (Caithness, Sutherland and Easter Ross) (LD).....	33613
The Minister for Skills and Lifelong Learning (Angela Constance).....	33614
<b>WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) BILL: STAGE 3</b> .....	33617
<b>MOTION WITHOUT NOTICE</b> .....	33697
<i>Motion moved—[Bruce Crawford]—and agreed to.</i>	
<b>WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) BILL</b> .....	33698
<i>Motion moved—[Roseanna Cunningham].</i>	
The Minister for the Environment and Climate Change (Roseanna Cunningham).....	33698
Sarah Boyack (Edinburgh Central) (Lab).....	33700
John Scott (Ayr) (Con).....	33702
Liam McArthur (Orkney) (LD).....	33704
Maureen Watt (North East Scotland) (SNP).....	33706
Peter Peacock (Highlands and Islands) (Lab).....	33707
Ian McKee (Lothians) (SNP).....	33709
Marilyn Livingstone (Kirkcaldy) (Lab).....	33710
Robin Harper (Lothians) (Green).....	33711
Irene Oldfather (Cunninghame South) (Lab).....	33713
Jim Hume (South of Scotland) (LD).....	33713
Jamie McGrigor (Highlands and Islands) (Con).....	33715
Elaine Murray (Dumfries) (Lab).....	33716
Roseanna Cunningham.....	33718
<b>FUEL DUTY</b> .....	33722
<i>Motion moved—[Keith Brown]. Amendment moved—[Charlie Gordon].</i>	
The Minister for Transport and Infrastructure (Keith Brown).....	33722
Charlie Gordon (Glasgow Cathcart) (Lab).....	33727
Jackson Carlaw (West of Scotland) (Con).....	33729
Alison McInnes (North East Scotland) (LD).....	33731
Kenneth Gibson (Cunninghame North) (SNP).....	33733
Cathy Peattie (Falkirk East) (Lab).....	33737
Stewart Stevenson (Banff and Buchan) (SNP).....	33738
Jim Hume (South of Scotland) (LD).....	33740
David Stewart (Highlands and Islands) (Lab).....	33743
Gavin Brown (Lothians) (Con).....	33745
Alasdair Allan (Western Isles) (SNP).....	33747
Patrick Harvie (Glasgow) (Green).....	33749
Dave Thompson (Highlands and Islands) (SNP).....	33752
Liam McArthur (Orkney) (LD).....	33754
Jackson Carlaw.....	33756
Charlie Gordon.....	33759
Keith Brown.....	33761
<b>BUSINESS MOTIONS</b> .....	33766
<i>Motions moved—[Bruce Crawford].</i>	
<b>PARLIAMENTARY BUREAU MOTIONS</b> .....	33769
<i>Motions moved—[Bruce Crawford].</i>	
<b>DECISION TIME</b> .....	33771

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## Scottish Parliament

*Wednesday 2 March 2011*

[The Presiding Officer *opened the meeting at 13:15*]

### Time for Reflection

**The Presiding Officer (Alex Fergusson):**

Good afternoon. The first item this afternoon is time for reflection. Our time for reflection leader today is Pastor Duncan Strathdee Jr of the Dunblane Christian Fellowship.

**Pastor Duncan Strathdee Jr (Dunblane Christian Fellowship):** Good afternoon, everybody. First, I thank you for the invitation to lead time for reflection today.

We all have our own journey in life. I doubt whether any of us ever imagined when we were children that one day we would be in this amazing building—the Scottish Parliament, in Edinburgh. You are here making the decisions for the common good of our nation, and I get this chance to share these few moments with you. I think that's awesome.

My journey began as a cute baby. To my wife, by the way, I am still that. Then I was a pupil, a student, a teacher, a headteacher, a pastor and now I am here. The funny thing is, we often describe ourselves as I have just done—by the things that we do or have done, rather than by who we actually are.

I have thought a lot about today. I woke up in the middle of the night recently, thinking, “The Scottish Parliament—that's a bit scary”, but there was a passage from the Message Bible going through my mind, and it was this. Jesus said:

“Let me tell you why you are here. You're here to be salt-seasoning that brings out the God-flavours of this earth ... Here's another way to put it: You're here to be light, bringing out the God-colours in the world.”

My heart's desire today is to honour you and to encourage you with this. You are a God-flavour and a God-colour. You are not just the colour of the party that you represent, which is good, but something that transcends that. You—the person, with all of your life's journey's experiences—bring something that no-one else can bring to this chamber. You bring something to this great nation of Scotland and to the people you come into contact with, directly or indirectly. You bring a hope for the future, and you bring justice to the oppressed and so much more.

The same passage also says this:

“If you lose your saltiness, how will people taste godliness?”

Whatever you do, do not lose your saltiness. Although some may not believe in God, God most certainly believes in us. The thing that makes a great meal is when you experience all the different flavours, and the best light is when all the colours mix together. History will record that I was here today bringing my colour, my flavour. That is quite nice, but more important is that history will record the flavour and the colour that you all bring to this chamber and this nation.

My prayer for you is that you are blessed in all that you do, and that God grant you the wisdom and understanding to bring the full flavour and the brightest light to our nation.

Be blessed in your deliberations this afternoon.

## Business Motion

13:19

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-8038, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Wildlife and Natural Environment (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during Stage 3 of the Wildlife and Natural Environment (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the Stage being called) or otherwise not in progress:

Groups 1 to 3: 40 minutes

Groups 4 and 5: 1 hour 25 minutes

Groups 6 to 8: 1 hour 45 minutes

Groups 9 and 10: 2 hours 5 minutes

Groups 11 to 13: 2 hours 35 minutes

Groups 14 and 15: 2 hours 55 minutes.—[*Bruce Crawford.*]

*Motion agreed to.*

## Epilepsy Awareness Training

**The Presiding Officer (Alex Fergusson):** The next item of business is, slightly unusually, a members' business debate on motion S3M-7361, in the name of Kenneth Gibson, on epilepsy awareness training.

*Motion debated,*

That the Parliament believes that there would be merit in epilepsy training becoming an integral part of the student teacher training course curriculum so that teaching staff are equipped to detect potential seizures in children and young people and can be proactive in providing appropriate support to pupils with epilepsy and agrees that this could boost teacher confidence in handling as many as 7,000 children in Scotland with active epilepsy, enable early detection of seizures in over 800 children each year, provide more tailored learning and emotional support to normalise the condition and reduce classroom stigma for children in North Ayrshire and across Scotland.

13:20

**Kenneth Gibson (Cunninghame North) (SNP):** I am delighted to have secured this debate and would like to sincerely thank the 33 members who supported the motion, and Epilepsy Scotland for their assistance and encouragement.

Epilepsy is the most common neurological disorder in the world and affects one in every 130 people in Scotland. The disorder is diagnosed when a person has multiple seizures originating in the brain. When normal neural activity experiences a disturbance, the brain fires off random nerve-cell signals, which cause an epileptic seizure. There are more than 40 types of epileptic seizure, ranging from symptomatic, in which brain damage is the cause, to idiopathic, in which no direct cause can be found. The different types of seizures can last anywhere from a few seconds to a few minutes and each type produces a different reaction, ranging from temporary loss of awareness to extended periods of convulsions.

Each type of epilepsy must be dealt with in a specific way. The people surrounding an individual who experiences an epileptic seizure are responsible for keeping that person safe. As such, those who care for individuals with epilepsy need to be aware of the different types of disorder and how each can most safely be addressed. As children are not equipped to deal with medical scenarios such as epilepsy, it is essential for pupils to have responsible adults nearby who are aware of and can react quickly to their condition as necessary.

Therefore, it is vital to take any possible measures to protect and promote the safety in our schools of children who suffer from epilepsy. To secure maximum safety for those young individuals, it is of the utmost importance that all

teachers be educated in the detection of epileptic seizures and in the proper means of treatment during and after said seizures. As key care givers in children's lives, teachers are responsible for their pupils' development and safety while the children are in their care, and it is our duty to ensure that they are equipped to handle any condition that is as common as epilepsy.

Currently, teaching staff go through epilepsy training only when one of their students is diagnosed with it. Given that students are not always near their instructors, but are sometimes in the presence of other teaching staff, it is vital for all teaching staff to be proficient in their knowledge of epilepsy and how it impacts on developing children. One third of pupils with epilepsy have learning disorders and many have emotional, cognitive and behavioural difficulties. All teachers need to be aware of epilepsy and its effects, so that they can be as helpful to and as understanding of children with epilepsy and, indeed, their peers, as possible.

**Cathy Peattie (Falkirk East) (Lab):** The debate is important. I have found that the attitude of adults to epilepsy can be pretty appalling. Does Kenneth Gibson believe that awareness raising among teachers and children will make a difference to attitudes in the wider community?

**Kenneth Gibson:** I certainly hope that it will. As the years progress and as epilepsy training becomes more common for teachers and as children learn to understand it, there will be much more understanding of what is a widely misunderstood illness in our society.

Epilepsy training should become a mandatory segment of the student teacher training course. Although many people with epilepsy take medication to prevent seizures, epilepsy can manifest at any age, so seizures might happen without warning in the classroom, which makes teacher training all the more vital. Epilepsy training would prepare all educators to care most effectively for students with epilepsy, as well as for students who have unexpected seizures. The training would also enable teachers to feel confident about, rather than threatened by, the possibility of an epileptic seizure occurring in their classroom. Knowledge of which actions to take for different types of epileptic seizures and the ability to recognise signs that a seizure might be about to occur would guarantee that teachers could keep their pupils safe.

Furthermore, as teachers are prominent figures in children's lives, it is essential for them to understand the most effective means of supporting students with epilepsy and their families and peers. The proposed training for teachers would not only develop teachers' skills in dealing with this serious and common medical condition, but

guide them to promote the normalcy of epilepsy, thus reducing the stigma that often plagues the disorder, which Cathy Peattie touched on. As many as 7,000 Scottish children experience epileptic seizures, and any reduction in stigma would benefit the psychological development of children with epilepsy and improve their ability to cope with their disorder.

Programmes for epilepsy awareness among teachers that are similar to the one that I am suggesting have been quite effective in other nations. Epilepsy Wales, for example, is a programme that sends field workers into Welsh schools to instruct teachers how to react to seizures and how to increase sensitivity to epileptic pupils in their classrooms. It has had great success in increasing awareness among teachers and pupils.

A study that was carried out in Thailand revealed teachers' immense impact on the attitudes that their pupils have towards epilepsy. The study concluded that a public education campaign about epilepsy would certainly improve the quality of life and safety of children who suffer from epileptic seizures.

The United States has experienced benefits for children with epilepsy through the efforts of the school alert programme, which is run by the Epilepsy Foundation of America. The programme has sent experts to instruct teachers in how to respond to epileptic seizures that occur in their classrooms. It has been so successful that an epilepsy education programme may soon be approved for teachers to take as part of their continuing education programme.

Scots are gaining awareness of epilepsy through the excellent work of Epilepsy Scotland, which is making efforts to improve the health care for the 40,000 people who are living with epilepsy in Scotland. The organisation's website reads:

"Being informed about the condition, knowing the medical terms and how to handle any problems helps reduce the impact epilepsy has on a person's life."

Epilepsy awareness training would advance those efforts and improve the standard of health not just for children, but for all people with epilepsy.

Making epilepsy training mandatory during student teacher training would promote the wellness and protection of pupils in classrooms throughout Scotland. The safety of all pupils is a benchmark in classroom standards, and guaranteeing teachers' capability in dealing with epileptic seizures would benefit students, and ultimately expand national awareness of this often misunderstood neurological disorder.

13:27

**Dr Richard Simpson (Mid Scotland and Fife)**

**(Lab):** I congratulate Kenneth Gibson on bringing the debate to the chamber. I believe that the cross-party group on epilepsy has one of the highest numbers of MSP members—I am included—so I know that it is an issue that members agree requires some attention.

As Kenneth Gibson said, epilepsy affects different people in different ways. There are more than 40 types of seizures and epilepsy syndromes, and some people may experience more than one kind. That is why training for people who may come into contact with those who have epilepsy is extremely important.

Kenneth Gibson's motion deals with the subject of epilepsy training "becoming an integral part" of student teacher training, and I whole-heartedly agree that teachers should have that training. It is important to remember that many teachers may themselves have or develop epilepsy, so awareness training can be doubly important. After all, it is primarily a matter of threshold, and any of us at any time could have an epileptic seizure.

However, I will talk about training in the justice system, which includes police, fiscals, defence lawyers, sheriffs and criminal justice authorities staff. I have had the good fortune to have worked with Epilepsy Scotland during the current session of Parliament on some of those areas. Epilepsy Scotland's work has been facilitated through meetings that we have held with the Solicitor General for Scotland, and I acknowledge his input, advice and help.

Every year in Scotland, people with epilepsy are charged with minor offences and misdemeanours. Most of the cases relate to actions that are carried out when someone is having, or has just had, a seizure—the post-ictal period—during a state of confusion or automatism. Cases usually relate to a minor offence such as resisting paramedics on entering an ambulance, resisting the police, urinating in public, removing clothing in public, being aggressive in a shop, banging dustbin lids together in a lane, sitting in a taxi refusing to pay the fare, walking up and down the aisle of an aeroplane and refusing to fasten a seat belt, and fire raising.

The list is limitless and reflects disturbed behaviour when a person with epilepsy is confused, and often when attempts at restraint are made. The general public is not fully aware that one should not attempt to restrain anyone during a post-ictal state. Epilepsy Scotland has done a great deal to educate police officers about epilepsy but, sadly, people are still arrested for minor offences. Many have to engage in a

prolonged legal process before the case is—more often than not—dismissed.

The stress and delay that are involved in that process can have a significant effect on people with epilepsy, such as by increasing anxiety levels, worsening seizure control, which is important, inducing a loss of self-esteem, producing family conflict, and leading to depression and even a risk of suicide. Indeed, we should note that persons with temporal lobe epilepsy are at 25 times greater risk of suicide than are people in an age-matched control group. Such individuals have worsening job prospects and a change of employment is impossible when a court appearance is pending: then, of course, they might be criminalised. The legal process can sometimes take more than a year to conclude and sometimes the individual is urged to plead guilty just to reduce the stress, which leaves them with a criminal record.

I have to say that there have recently been positive signs of progress. Instead of remanding individuals, sheriffs are proposing that there be bail support, with the support of Epilepsy Scotland. Unfortunately, however, bureaucratic problems have made progress difficult. If the Cabinet Secretary for Justice is serious about reducing the numbers who are inappropriately placed on remand because they have epilepsy, there is an opportunity here for him to act.

I am pleased to report that training for probation officers is being provided at the Scottish Police College, and that there is training for procurators fiscal. Epilepsy Scotland is also developing training with the Law Society of Scotland. This is an important additional area to look at when considering future training and support.

13:31

**Alasdair Allan (Western Isles) (SNP):** As co-convenor of the cross-party group on epilepsy, I thank Kenneth Gibson for securing a debate on this most important issue.

There is no doubt that in recent years the education system's response to epilepsy has improved greatly on the lamentable attitude that was shown 50 years ago, when it was sometimes questioned whether a child with epilepsy should be in school at all. Of course, that was at a time when the education system also sometimes suggested that epilepsy was a mental illness. However, the cross-party group often hears evidence that the teaching profession's knowledge of epilepsy could still be much improved.

I developed epilepsy when I was at secondary school, but I never had a seizure in school, so I cannot make many comparisons. For an anecdote about an inappropriate response to an epileptic seizure in an education setting, I have to turn to



my time at university. I am sad to say that I recall that at a meeting of the student wing of the Scottish National Party in the University of Aberdeen, I had a seizure just as we were about to vote on some matter of internal politics that probably seemed vital at the time. I remember regaining consciousness after several minutes only to hear those at the meeting arguing earnestly about whether I could vote while unconscious, on the basis of the stance that I had taken earlier in the debate. I do not suppose that that was a textbook way to deal with the situation, but it is nonetheless an interesting question in its own right.

In primary schools, one of the arguments that was once offered against including children with epilepsy in mainstream education was that it would be distressing for other children to see someone have a seizure. Of course, the reality is that children get used to almost anything very quickly if they are not given reason to panic, but that, in turn, implies that the teacher knows what to do. As Mr Gibson's motion states, the key is to "normalise the condition" before children have a chance to stigmatise it, which requires some basic understanding on the part of teachers.

Many teachers show such understanding, but it must be acknowledged that epilepsy takes many forms. Some forms of what used to be called petit mal epilepsy are easily mistaken for nothing more than very long lapses in concentration. I know of at least two children who went undiagnosed for years, because teachers just thought that they were not listening.

More positively, there is clearly a willingness on the part of many teachers to learn about the basics of what to do and what not to do in the case of tonic-clonic seizures. There is a similar willingness to find out about medication and the very individual warning signals of an oncoming seizure that many children will have.

Such increased awareness among teachers can only help to ensure that children with the less obvious forms of epilepsy get the early diagnosis that affords them the best possible chance of finding medication that will minimise symptoms.

If teachers are able to find out about all that as a routine part of their training, it would certainly help, as would on-going awareness raising for existing staff. It will be interesting to hear from the minister what is already happening in this area.

I congratulate Mr Gibson on focusing our attention on a condition that is remarkably common but still remarkably misunderstood. Following the launch in the Parliament only a few days ago of a guide for employers and employees on how to deal with epilepsy in the workplace, it makes sense to promote today a similar

understanding in Scotland's schools of the condition. I am sure that the Parliament will welcome further progress.

13:35

**Nanette Milne (North East Scotland) (Con):** In congratulating Kenneth Gibson on bringing to the Parliament's notice the importance of epilepsy awareness training, I must apologise to him for omitting to sign his motion. I assure him that that was the result of forgetfulness and that I support the motion whole-heartedly.

In this day and age, it is extraordinary that many people who deal with children day to day are unaware of the long-term conditions with which many children must learn to live, and of the impact that those conditions might have on their physical and social development.

Epilepsy is clearly a major condition, as it affects about one in 130 people. Each year, 800 new cases are diagnosed in Scotland, predominantly in people's first two decades of life. I include asthma and perhaps type 1 diabetes as other common conditions of which awareness among teachers and fellow pupils can make an enormous difference to how a child can cope with their condition, and to understanding what a child must experience.

Awareness allows children to be regarded as normal, rather than their being stigmatised and singled out as being different from their peers. At meetings of the cross-party groups on epilepsy and on asthma, I never cease to be amazed at how much the lack of awareness of those conditions can damage the quality of life of those whom they affect.

Epilepsy seizures—particularly the grand mal type—are frightening to witness for people who are unfamiliar with them and are disturbing and potentially embarrassing for the sufferer. If teachers can identify what is happening and deal with the child calmly and with confidence, that is of great benefit to the child and to those who are around him, and it can promote understanding and acceptance of the condition, which are essential if the child is to be treated as an equal by peers.

As we know, children with epilepsy may exhibit many problems including anxiety, depression, problem behaviour and co-ordination difficulties. Research has shown that at least 50 per cent of affected children achieve less at school than would be predicted from their intelligence quotient. The National Centre for Young People with Epilepsy believes that about two thirds of children and young people with the condition who attend mainstream school underachieve academically in relation to their intellectual level.

It is therefore important for teachers to be able to detect and deal with epilepsy and its consequences, but their training is patchy and might occur only after a pupil who is in their care has been diagnosed with the condition. Epilepsy awareness training in schools can be—and often is—provided by a range of people, such as a school nurse, a local health-centre nurse, an epilepsy specialist nurse or a voluntary organisation, but it does not form part of student teacher training and it is not mandatory, so it varies from school to school. That is unfortunate, because knowledge brings a more compassionate attitude to people with epilepsy and a reduction in the stigmatisation of those who must live with the condition.

The ideal is obviously to ensure awareness of epilepsy and how to deal with it among all teaching staff: that would be best achieved in teacher training. Epilepsy awareness training and raising awareness of other childhood conditions, such as asthma, would sit well in a student teacher-training curriculum, which would result in more informed and sensitive treatment of affected pupils. That would enable such pupils to fulfil their academic and social potential and it would reduce the stigma that surrounds their medical conditions, which would allow them to be regarded as normal by their peers as they go through their schooling.

That is what Epilepsy Scotland asks for. I certainly do not think that it asks for too much, which is why I am happy to support Kenny Gibson's motion. I hope that the minister will agree and I look forward to her response.

13:39

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I thank Kenneth Gibson for initiating the debate. In a previous workplace, I worked with an epilepsy sufferer called Jeremy, who was not a child but a young man of 18 or 19. I did not know that he had epilepsy until one day when I was with him in the canteen in Nigg, where oil platforms used to be built and—I hope—will be built again. On that day, he suffered a grand mal seizure. As a completely inexperienced young person, I was terrified to see that happen—I did not know what was going on. The table flew up in the air and the knives, forks and food were all over the place. In a way, I learned—with the rough coming first—how to try to help my friend Jeremy with grand mal seizures.

More personally, following a recent neurosurgical operation, my wife now suffers from petit mal. Alasdair Allan knows that; we have talked about it in the past. Her condition is controlled by drugs including carbamazepine drugs such as Tegretol. From experience, I know the importance of someone not forgetting to take

their tablets. That applies to children in schools, too. There is also anxiety or stress, which can—despite the tablets—bring on petit mal or slight seizure. I speak from experience; I am a layman on the subject.

Within the brief time that is available to me, I want to draw members' attention to what happens in the Highlands. Most but not all—the national health service does good work—of the advice, teaching and help in the area are provided by voluntary organisations. At this point, my old friend geography needs a mention—a mention that I have made many times in the chamber. We may well have the expertise in Dingwall, Inverness or Golspie, but try to reach out to a primary school near Cape Wrath at Durness or one at Canisbay near John o' Groats and the miles clock up. It is no accident that we have a debate later today on fuel duty. Voluntary organisations are being squeezed more and more in terms of what they can afford in getting people out there. Who loses out? The sufferers. As other speakers have said more eloquently than I can, despite the best of intentions, there is still a lack of awareness about how to handle such situations. I am glad that at Nigg I was eventually taught how to handle my friend Jeremy to ensure that he did not hurt himself, particularly as he could be out for a bit.

This is my plea, Presiding Officer. It need not be much, but could some form of financial assistance—perhaps the Big Lottery Fund—be found to help voluntary organisations to reach out? There is no lack of good intentions in trying to help people with epilepsy; indeed, there is a measure of love in looking after them. There is huge goodness in people's hearts, but they are hampered by Hamish McCunn's "The Land of the Mountain and the Flood", which are well nigh impassable, particularly when distances and inclement weather are taken into account. That is the problem that we face in the Highlands and Islands. That is the thought that I leave for the chamber in this excellent debate. Again, I congratulate Kenneth Gibson on introducing the debate.

13:42

**The Minister for Skills and Lifelong Learning (Angela Constance):** I add my thanks to my colleague, Kenneth Gibson, for highlighting to Parliament the importance of ensuring that children and young people with epilepsy are provided with the support that they require and the support to which they are entitled to make the most of their educational opportunities. It is interesting to note that the prevalence of epilepsy is higher among children and very old people. It was interesting that Kenny Gibson informed Parliament that one third of children with epilepsy

also have learning disorders. Today's debate, which highlights the barriers that are faced by those with epilepsy in accessing learning at school, is therefore all the more important. Of course, we must remember that those barriers are faced not only at school but during future learning, skills development and employment.

Although the McCrone report specified that first aid and the administration of drugs should not be routinely carried out by teachers, I firmly believe that children and young people with epilepsy have the right to feel supported and valued at all times, unhindered by professional boundaries. As Kenneth Gibson highlighted, teachers spend a lot of time with children in school. Starting with initial teacher education, teachers must develop the core skills that they require to confidently enable the effective learning of all the children in their classes. Those core skills are set out in the standard for initial teacher education, as is the condition that all courses must be designed so that they prepare student teachers to be responsive to the needs of all pupils, including those with medical conditions.

As of earlier today, ministers no longer approve programmes for initial teacher education. Legislation was approved by the Education, Lifelong Learning and Culture Committee this very day, so that responsibility will be passed to the General Teaching Council for Scotland, which we believe is better placed to approve the detail of programmes of initial teacher education.

We must recognise the reality that students in our schools live with a wide range of serious conditions, and we must ask ourselves how realistic it would be for teachers to receive training in each of those conditions before entering the classroom. One strength of the Scottish education system is that each year our teachers are required to undertake 35 hours of continuous professional development and five in-service days. I hope that that ensures that each teacher is best equipped to meet the needs of their students.

Graham Donaldson recognised the issue in his recent and valuable report on teacher education. He pointed to the considerable evidence from universities, teachers, students and others that there is already significant pressure in relation to the breadth of the issues that must be addressed through teacher education. He made a number of suggestions for ways forward, but he did not suggest that there is a single clear solution. The Cabinet Secretary for Education and Lifelong Learning will soon set out his formal response to the report to Parliament, and will indicate how the Scottish Government will take forward the agenda.

I listened to Alasdair Allan with interest when he spoke of the actions that Epilepsy Wales is undertaking. I believe that the focus on health and

wellbeing in the curriculum for excellence will enable many of the initiatives and good ideas to be taken forward.

Our schools must be communities in which our children—irrespective of their different abilities and needs—are able to learn and to achieve their full potential. Collectively, the whole school must take an holistic approach to supporting and meeting the individual needs of children with long-term conditions. That responsibility is set out in the comprehensive framework that is in place and which helps to ensure that, among other things, the needs of children and young people are identified as early as possible.

The additional support for learning legislation, getting it right for every child, the early years framework and the guidance on the administration of medicine all help to set the scene for the collaborative approach that is required, particularly between health and education, in order to ensure that all staff in schools are confident in their role in meeting the individual needs of all our children and young people, including those with epilepsy. It is important to note that our legislation and frameworks all point to the need for any child who has a difficulty to have one plan that all the various and relevant agencies sign up to.

I will illustrate our commitment to supporting improvement in the area. Through the national delivery plan for specialist children's services, we are funding epilepsy services to increase the number of multidisciplinary staff and therefore to provide better all-round care to young patients. An example of that is a recently appointed epilepsy nurse in the Borders who is providing training to schools to raise awareness.

In closing, I again thank Kenneth Gibson for initiating this useful debate and pay tribute to the cross-party group on epilepsy, as mentioned by both Richard Simpson and Alasdair Allan. I take this opportunity to reassure the Parliament that the Government is committed to ensuring that every child and young person—irrespective of their needs—is provided with every opportunity to succeed and to reach their full potential.

## Wildlife and Natural Environment (Scotland) Bill: Stage 3

13:49

**The Presiding Officer (Alex Fergusson):** The next item of business is stage 3 proceedings on the Wildlife and Natural Environment (Scotland) Bill. Members should have the bill as amended at stage 2, which is SP bill 52A; the marshalled list, which is SP bill 52A-ML; and the groupings, which I have agreed.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. All other divisions will be 30 seconds.

### Section 3—Protection of game birds etc and prevention of poaching

**The Presiding Officer:** I refer members to the marshalled list of amendments. We come to group 1. Amendment 39, in the name of John Scott, is grouped with amendments 40 to 42 and 46 to 50.

**John Scott (Ayr) (Con):** I will speak to all the amendments in the group. The chief purpose of the amendments is to seek to extend the period for catching up for pheasants and partridges from 14 days, as is currently proposed, to 28 days. Catching up is the practice of collecting male and female pheasants and partridges to use as breeding stock. It is traditionally carried out by gamekeepers and game rearers immediately after the end of the shooting season, usually during the whole of February.

The extension of the period from 14 days to 28 days would give greater flexibility, particularly if there is severe weather, such as the snow that we have experienced during the past two winters. Furthermore, shoots, particularly commercial ones, shoot right up until the end of the season, which means that staff are usually very busy and preparations for catching up cannot begin until the shooting season has ended. Commercial shoots and game rearers often catch up a large number of birds during a sustained period, and a 14-day period is not sufficient to allow that to take place.

I acknowledge concerns about the possible catching up of grouse and mallard, which is why amendment 39 would remove those species from the provisions.

After discussions with the British Association for Shooting and Conservation Scotland and RSPB Scotland, I understand that the amendments in group 1 offer an acceptable approach and deal

with the concerns that both sides raised at stage 2. Because of that, I trust that the amendments will find members' support.

Amendment 42 would permit the catching up of red grouse for disease control during the close season. The practice is well established and thousands of red grouse are caught each year for direct dosing and worm monitoring. The practice ensures the effective monitoring and treatment of grouse disease and helps to deliver a healthy, productive and stable red grouse population, which, in turn, boosts the rural economy, given that a great deal of income and employment depends on grouse shooting.

Some people have suggested that the practice might have environmental implications, but the same drug, delivered in the same way, is used to reduce disease in Scotland's hill populations of sheep and cattle, with no perceptible effects. The activities that amendment 42 would enable are important and uncontroversial and are undertaken by the Langholm Moor demonstration project, with Scottish Natural Heritage, the RSPB, the Game and Wildlife Conservation Trust and Buccleuch Estates as partners.

I commend all the amendments in the group. I move amendment 39.

**Liam McArthur (Orkney) (LD):** Ministers' initial attempts to establish clear parameters for dealing with the need for catching up at the end of the season were genuine and well motivated, if a little arbitrary. Concerns were expressed about the appropriateness of a 14-day limit, given that in certain conditions the limit might be the earliest point at which the process could even begin.

John Scott's amendment on the matter at stage 2 had the benefit of simplicity, although it was perhaps no less arbitrary than the approach that it sought to replace, but it prompted the RSPB and others to express concern about what could be perceived as a de facto extension to the shooting season.

The amendments that John Scott has lodged at stage 3 take a pragmatic approach to the issue, perhaps with the exception of amendment 42, on which we have not heard evidence. I appreciate the reason for proposing the change, but I am concerned that the issue has emerged so late in the day, given that it relates to an established practice, as John Scott said. In principle, that is not a sensible basis on which to make policy, and I invite the minister to address the concerns that I know have been expressed to her by the RSPB and other people.

**The Minister for the Environment and Climate Change (Roseanna Cunningham):** Members should be aware that the catching up of game birds in the close season is currently illegal.

However, it happens, and in effect a blind eye is turned to the practice. Our view was that that is not a sensible way to proceed. I commend the stakeholders who raised the issue at stages 1 and 2 for taking a constructive approach and coming to reasonable agreement on the appropriate time periods for catching up in the close season.

I hope that the inclusion of grey partridge in the 28-day period will, in a practical way, support and encourage an increase in grey partridge numbers. Therefore, I am happy to support amendments 39 to 41 and 46 to 50 inclusive. The Government does not see a difficulty with amendment 46.

I turn briefly to amendment 42. Licences could be granted for the purpose of preventing the spread of disease. However, the approach in the amendment seems practical and appropriately limited. The animal health and welfare considerations that currently apply to such treatment, whether in open season or under licence, would equally apply under the amendment. The same is the case for ensuring the appropriate withdrawal periods before treated birds can enter the food chain. Those issues do not specifically relate to medicating in the close season.

I am content to support John Scott's amendment 42, together with the rest of the amendments in the group.

**John Scott:** I thank the minister and, indeed, Liam McArthur for their support. I will press the amendments.

*Amendment 39 agreed to.*

*Amendments 40 to 42 moved—[John Scott]—and agreed to.*

**The Presiding Officer:** We come to group 2. Amendment 61, in the name of Peter Peacock, is grouped with amendments 52, 54 and 55.

**Peter Peacock (Highlands and Islands) (Lab):** A concern has arisen about whether licences will be granted to kill raptors to protect a species that is bred for the purpose of its being shot for so-called sport.

I have made it clear that I think it ridiculous that it might ever prove possible to get a licence to kill a valued, protected species to protect a species that is bred in huge numbers solely for the purpose of shooting. I lodged an amendment at stage 2 to seek to resolve that matter and make it impossible for a minister to issue a licence in such circumstances.

Since stage 2, the Parliament has approved the code that governs the raising of such birds for shooting. That statutory code makes it clear that it is up to those who rear the stock to protect it adequately. That strengthens the case for there

being no need ever to issue a licence to kill raptors to protect birds that are raised specifically to be shot quickly thereafter.

I have lodged a similar amendment today, taking out the reference to mallard, which was one of the points that concerned the minister when the proposal was debated at stage 2. However, I have also gone further and lodged another amendment that would completely remove any doubt about the matter. It would remove the power for a minister to issue a licence in such circumstances in relation to species that are specified in a schedule. A schedule can be relatively easily amended if there is a case to extend the number of species—for example, to include the likes of goshawk, sparrowhawk or tawny owl—or, indeed, to remove any that are listed.

I welcome the minister's indication in previous debates that a high test would always remain to be passed before any licence was issued, namely that there was no alternative measure to manage the situation. The more that one thinks about it, the harder it is to envisage any circumstance in which a licence could be issued. Indeed, no such licence has been issued since the provisions were put into statute many years ago.

We could put the matter to bed once and for all by removing the power for a minister to issue such a licence—a power that has never been used.

I move amendment 61.

**John Scott:** I speak against Peter Peacock's amendments in this group. Their purpose, as far as I can perceive, is to prevent licences from being granted for the limited control of specific wild birds to protect stocks of reared game birds. While such reared birds are dependent on their keepers for food and the like, they should be classed as livestock in the same way as any other kept animal.

The amendments are also unnecessary. The way in which the Government has operated sawbill duck and raven licensing for fisheries and agriculture since 1981 shows that there is no risk of such licences leading to mass culls of sensitive birds of prey and/or loss of conservation status.

Licensing always requires an applicant to show SNH that measurable impacts are largely due to the raptor in question, that alternatives to lethal control have been tried, and that all parties are clear that the conservation status of the raptor will not be affected. Those matters can be dealt with on a case-by-case basis, or even a regional basis. Therefore, I urge members not to support Peter Peacock's amendments in the group.

14:00

**Liam McArthur:** Peter Peacock has rightly highlighted the almost absurd position in which a licence might be granted to shoot a protected species in order to protect a non-native species raised as livestock. During stage 1 and again at stage 2, we considered whether there were any circumstances in which we could foresee such a decision being justified. On the back of that, we discussed whether there was a need to raise the bar higher or remove the option entirely.

I take more than a little comfort from knowing that, despite encouragement from some quarters, no minister has yet seen any reason to grant such a licence, as Peter Peacock suggested. On that basis, I remain to be persuaded of the need to change the law as it currently stands. There is an argument for saying that a line could be drawn under the issue, that the need to try to devise criteria by which any such licence might be granted could be avoided, and even that ministers could be prevented from being put in a difficult position. All those aims are legitimate, albeit that they are not all equally laudable. Moreover, Peter Peacock is to be congratulated on raising the issue in a way that will, I hope, discourage any inappropriate use of the power to grant licences in future.

However, on balance, I am disinclined to support amendments 52, 54 and 55. Similarly, although I appreciate the sentiment behind amendment 61, I am not convinced that it would not create a wider set of difficulties for those who will follow in Peter Peacock's footsteps.

**Roseanna Cunningham:** As I said at stage 2, I have not issued any licences to do what Peter Peacock's amendments seek to prevent, but I acknowledge that the issue is difficult. I will not repeat the entire debate that we had in the committee, but we must note that we are talking about a balancing issue. On the one hand, we must note the economic benefits and the benefits relating to biodiversity that shooting often brings to rural Scotland; on the other hand, as Peter Peacock has pointed out, it is difficult to reconcile the licensed control of native species such as buzzards and sparrowhawks with protecting non-native species such as pheasants and partridges. It is already the case that a variety of other options must be fully exhausted before licences are considered, including the relocation of pens or the use of deterrent devices and diversionary feeding.

I cannot ignore the backdrop to the debate, which is wildlife crime. It is clear that the actions of a few are adversely affecting the majority, but the amendments would provide a relatively inflexible basis for moving forward.

Amendment 61 would essentially prevent any such licences for the protection of game birds from being issued, given the requirement for "secure housing", as people will know if they are aware of what the actual practice is in rural Scotland.

Amendments 52, 54 and 55 would send a strong message about the birds that Parliament deems untouchable for the purposes of preventing serious damage to livestock. That would stymie any further balanced discussion of the issue. I accept that amendment 54 refers to the "power to vary Schedules", but would that ever be used in practice, save perhaps to add the birds that Peter Peacock may have erroneously omitted?

The brief discussion that we have had today again confirms to me that the right decision has been taken to date. Given that, I wonder why members cannot continue to leave the matter to the discretion of ministers.

For those reasons, I do not support the amendments in the group.

**Peter Peacock:** I hear what members have to say, but they will not be surprised to hear that I take a contrary view. When we were in Langholm during the early stages of our consideration of the bill, the Scottish Gamekeepers Association argued for a greater opportunity to get licences to deal with the problem. We are aware that the association has lobbied on that point, and there is an attempt to agree guidance on the circumstances in which a licence might be offered. That is quite a reasonable thing to do, given that the power to issue licences exists in statute. However, it also sends signals to people that such guidance might be the beginning of a relaxation, and I want to ensure that that does not happen. Therefore, I press my amendment 61.

**The Presiding Officer:** The question is, that amendment 61 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. As this is the first division, I will suspend the meeting for five minutes.

14:04

*Meeting suspended.*

14:09

*On resuming—*

**The Presiding Officer:** We now come to the division on amendment 61.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)

Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### Against

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)

Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 45, Against 78, Abstentions 0.

*Amendment 61 disagreed to.*

#### After section 4

**The Presiding Officer:** Amendment 43, in the name of Peter Peacock, is grouped with amendments 44 and 45.

**Peter Peacock:** We are having this debate because there is a persistent problem in Scotland with bird persecution, which has come to be one of the main debating points in the bill, notwithstanding the fact that the bill did not contain provisions on the matter at the start of the

process. It ought to be a matter of national shame that a minority of Scots persistently and routinely shoot, poison or otherwise trap or illegally kill some of our most magnificent wild creatures. Anyone who has had the good fortune to study our predator birds at close quarters can testify to their magnificence. Those creatures have evolved to hunt; they have penetrating eyes and are able to soar to great heights. Some have a wingspan that inspires awe.

What kind of people seek to destroy them by laying poisoned bait, setting traps or shooting them? There is no evidence that such things are done for some kind of perverse pleasure; it appears to be an approach to managing certain grouse moors on some of our big estates. I am by no means talking about all our big estates, but there are too many examples to pretend that the practice is not being used routinely in some localities.

Recent studies of golden eagles and hen harriers—a report on which was done only last week—look systematically at areas of land in which the absence of certain species is only plausible and explicable by those species being persecuted as a result of certain management practices. Such practices are specifically designed to remove those species from the territory in pursuit of an economic objective. The pressure that underlies such actions is to increase the supply of grouse for shooting—that is their economic purpose. Some estates seem to believe that they can operate with the required level of shooting only if they remove some of our most iconic species. Today we have the opportunity to do more to eliminate that evil practice.

Many people in Scotland are dismayed that although we know that the practice goes on and have a fair idea of where it does so, we have been unable to stop it happening. Part of that must be to do with how that set of crimes is prioritised at the local level, but part of it must be to do with inadequacies in our law. A vicarious liability has been introduced in the bill. I welcome that and think that we should take it further. We need to fight crimes that have an economic purpose with severe economic consequences. That is what lies behind my amendments today.

The amendments have been developed over several months of parliamentary debate and today is our last chance to deal with them. I have broken my approach into three separate amendments.

The first, amendment 43, provides those in Parliament who are not prepared to go along the road as far as I would with the ability to go some way towards bearing down on such a nasty set of crimes. Amendment 43 seeks to allow ministers to formally indicate under certain clear conditions that they have reasonable cause to be concerned

about what is happening in a specified area when that concern is scientifically formed on the basis of evidence, and provides for an appeal to challenge whether the minister is acting reasonably. If any appeal fails, the minister can then come to Parliament and, by order, formally register that Parliament should be concerned about what is happening. Parliament would then have the opportunity to agree or not. The prospect of that measure being taken might help to focus people's minds and lead them to act against the crimes that we all want to be eliminated.

Being named and, I hope, shamed in that way would have an economic consequence for the estate that was managing its land inappropriately. However, if the estate was not deterred at that point, there would be further steps in the process, which is why I have lodged amendments 44 and 45. They would ratchet up the actions that the Parliament and ministers can take.

Why should those estates that are not prepared to end practices that eliminate some of our national treasures be allowed to continue with economic activity that motivates such crimes? At the least, the amendments would allow ministers and Parliament to formally express concern about what is happening in some areas and, moving further on, would remove from estates that are not following the approach that we all want to be taken the right to shoot on that land, with the severe economic consequence that such a move would have.

I move amendment 43.

14:15

**Liam McArthur:** Peter Peacock's bid to be crowned master of pith lies in tatters as a result of this triple salvo of amendments. I fully appreciate that they have moved a long way from the licensing scheme that was initially envisaged in the amendment that Mr Peacock himself lodged at stage 2, but I remain concerned about the potential consequences, intended or otherwise, of what he is now proposing.

First, I reiterate my firm belief that the illegal persecution of birds of prey in this country is wholly unacceptable. Despite claims to the contrary in some quarters, far from improving, the situation for certain species in certain parts of Scotland is actually getting worse. Responsibility for this deplorable trend rests firmly with a small number of estates and land managers who persist in defying the law. That is why the vicarious liability provisions introduced at stage 2 must be made to work effectively through the targeted efforts of the Crown Office and Procurator Fiscal Service and the police. Indeed, I would welcome the minister's assurance that she is willing to look



at how the penalties and sanctions for those who are found guilty under the vicarious liability provisions might be toughened up, perhaps through further consideration by the partnership for action against wildlife crime in Scotland.

Of course, in expressing our abhorrence of these wildlife crimes, we must also acknowledge the fact that the majority of estates and land managers do not engage in such activity. Indeed, many share our frustration at the unwillingness of recalcitrants to desist, which is why we have supported the wildlife estates initiative, which can and must help to define and embed best practice. The process will be watched closely over the coming years; indeed, for some, it might well be viewed as the last chance saloon.

For now, however, I do not think that Peter Peacock's amendments are justified. Despite the safeguards and appeals that he has proposed for each, I still believe that they will open the legislation up to legal challenge as well as offering considerable scope for mischief. Fundamentally, whatever our frustrations at the lack of progress in securing convictions, I do not believe that we can play fast and loose with the burden of proof.

**John Scott:** I want to speak against amendments 43, 44 and 45. Although I welcome the intention behind them—namely tackling the illegal persecution of raptors—they represent a disproportionate and overly bureaucratic response to the issue. According to recent police statistics, the incidence of bird poisoning has reduced, and work must not be prejudiced by unnecessary legislative intervention at this critical stage, particularly at a time when the sector itself is voluntarily piloting a scheme to demonstrate and increase best practice in land management and conservation.

On amendment 43, given the ranges over which some of the species listed hunt and disperse, it would be a considerable task to ascertain all the relevant persons related to the area of land affected. I presume that in order to notify all the right people, SNH would wish to notify as many land managers as it could identify, but amendment 43 risks the serving of notices on those whose activities have no impact on the wild birds conservation status and any failure to respond could trigger a notification of concern order. At the very least, there should have been an obligation to notify the owner in all cases and then other such persons as ministers deemed appropriate. Furthermore, given recent debate about the hen harrier framework, it is improbable that ministers will be able to define "unfavourable conservation status" for any "wild bird" and "any area of land" without challenge, because the term "unfavourable conservation status" has a different definition from

that in European and existing United Kingdom legislation.

Even though they seek to make some provision for appeal and consultation during the process, there are still major problems with amendments 44 and 45. For example, some of the time periods appear to overlap; the deadline for the first report on compliance seems to be the same as that for producing the management plan.

For all those reasons, I believe that amendments 43, 44 and 45 should be rejected.

**Roseanna Cunningham:** I appreciate that Peter Peacock has taken on board some of my comments about his stage 2 amendment. However, the result is amendments that are twice as long. I am not being flippant; I believe that it was almost inevitable because he is attempting to untangle very complex land management and ownership arrangements. However, what we have been left with is a set of byzantine procedures; I am certain that even if the ministers of the day were inclined to use them, they would be unable to.

Perhaps in an attempt to deal with the concerns that I raised about the proposal for a sus law at stage 2, the trigger for the process relates to a link between recurring land management practices and unfavourable conservation status. However, that is just as problematic. Aside from the process being triggered by "reasonable cause to consider"—which is a lower standard of proof than even the civil standard of proof—the conservation status of a species is necessarily monitored on a large scale, either nationally or according to defined natural heritage zones, of which there are 21 in Scotland. In practice, a link between recurring land management practices on an estate that limited the presence of the birds that are listed by Peter Peacock—which, I note, do not include the goshawk, although that is one of the five raptors that are currently UK and Scottish wildlife crime priority species for persecution—and unfavourable conservation status would be unworkable, as John Scott has said.

I do not know how the issue could be resolved. Let us consider the western Southern Uplands and inner Solway natural heritage zone, which includes areas in Karen Gillon's, Elaine Murray's and the Presiding Officer's constituencies—you may be interested to know that, Presiding Officer. Would all land managers in that zone have to be notified? I am sure that that was not Peter Peacock's intention. However, if we cannot get over the first hurdle, amendments 44 and 45, which rely on the process, are equally unworkable.

**Liam McArthur:** In a sense, what Peter Peacock is trying to achieve through amendment 43 is a naming and shaming, but I understand that

provisions for that already exist. It would be helpful if the minister could observe why they have not been used more freely to date and whether there is scope for considering methods whereby naming and shaming might take place.

**Roseanna Cunningham:** I was going to come on to the naming and shaming aspect of the debate. It is important that we are very careful when we move into that territory. Anyone is free to draw conclusions as they please, but the presence of a poisoned carcass is not irrefutable proof that those who are responsible for managing the land on which it is found were also responsible for the death of the bird. The investigation of crimes is the responsibility of the police and determining guilt is the responsibility of the courts. Under vicarious liability, the bill would allow the courts to determine the guilt of a land manager if his employee had committed an offence.

I take the intention of Peter Peacock's amendment 43 in the broadest sense and fully appreciate the intention of those who have put forward proposals for additional measures to vicarious liability, whether as a safeguard or a threat. Indeed, as others, including Liam McArthur, have mentioned, the penalties associated with vicarious liability may not prove a sufficient deterrent. The bill does not deal with the existing penalties in the Wildlife and Countryside Act 1981; however, PAW Scotland would have my total support for a review of the penalties relating to wildlife crime. Those penalties must be considered in the wider criminal justice context, however, and that should be borne in mind.

**Peter Peacock:** I welcome the minister's latter point about a review of the penalties. That will be an important part of strengthening the law. I also welcome the vicarious liability provisions in the bill. Nevertheless, I think that vicarious liability will be as difficult to prove as almost any other offence relating to wildlife crime. That is partly why I want to go down the route that I have been trying to go down and make practical action against those who perpetrate these crimes much more effective.

I have taken something like 15 acts through the Scottish Parliament. I have stood where the minister is standing and have picked holes in many of the amendments that have come before me, explaining why they were technically flawed. It is one of the great benefits of being a minister that one has a legal department to provide one with the arguments. However, I was never wholly convinced that, on every occasion, I was not overegging the pudding.

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** It was very obvious at the time.

**Peter Peacock:** Mr Swinney comments from a sedentary position, but he, too, is noted for overegging the pudding on many subjects.

In the end, it comes down to one thing. We must make up our minds, in Scotland, whether we are prepared to accept the crimes that continue to be committed no matter what legal provisions we have passed. It is all very well for us to come here and say that we find those things unacceptable but, sooner or later, we must define what we are going to do about the situation. The provisions in my amendments are what we want to do about it—it is time to stand up and be counted.

**The Presiding Officer:** The question is, that amendment 43 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**Against**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)

Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**Abstentions**

MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 46, Against 76, Abstentions 1.

*Amendment 43 disagreed to.*

*Amendments 44 and 45 not moved.*

**Section 5—Sale of live or dead wild birds, their eggs etc**

*Amendments 46 to 50 moved—[John Scott]—and agreed to.*

**Section 13—Snares**

**The Presiding Officer:** We come to group 4. I draw members' attention to the pre-emption information that is shown on the list of groupings.

Amendment 5, in the name of Irene Oldfather, is grouped with amendments 14 to 18, 51, 20 to 24, 1, 1A, 1B, 1C and 2 to 4.

**Irene Oldfather (Cunninghame South) (Lab):** Amendment 5 would remove the whole of section 13 and replace the measures with an outright ban on the manufacture, sale, possession and use of snares in Scotland. It includes limited exceptions to ensure that no one is unfairly prosecuted for being in possession of a snare for an innocent reason. The specific situations that are intended to be exempt are law enforcement situations that involve, for example, a Scottish Society for the Prevention of Cruelty to Animals officer removing a snare; education situations in which, for example, a teacher, lecturer or animal welfare organisation shows students how things were done in the old days; and scientific research, which would be subject to the same licensing arrangements.

There are two reasons why snares must be banned in Scotland. First, they cause unacceptable suffering to target animals, such as foxes, rabbits and hares, and to non-target species, such as badgers, otters, deer, other livestock and domestic pets. Secondly, they are indiscriminate. The UK independent working group on snaring has said that, in some circumstances, it might be impossible to reduce non-target capture to below 69 per cent. Protected animals, such as badgers, are often found suffering severely in snares, in the most distressing circumstances.

The dreadful impact of snares on the animals that they capture has been repeatedly described by veterinary experts. An independent report by

the centre for animal welfare and anthrozoology at the University of Cambridge concluded that the welfare of vertebrate pest animals should be assessed in the same way as the welfare of any other vertebrate animal and stated that

“some pest control methods have such extreme effects on an animal's welfare that, regardless of the potential benefits, their use is never justified”.

I believe that snaring is such a method and I invite members to support my amendment.

I move amendment 5.

**Liam McArthur:** The issue of snaring is emotive and a compromise that would be satisfactory to all sides was never likely to be achievable. The passage of the bill, unlike the order that was introduced last year—the Snares (Scotland) Order 2010—has at least enabled us to have a more extensive and public discussion about the practice and the place that it has or should have in modern pest control.

Few people, even among those who advocate the retention of snaring, would argue that it cannot be unpleasant. However, like my fellow committee members, on balance, I was persuaded of the continued need for snaring in certain circumstances.

That said, I was also convinced of the need to challenge further and, where necessary, to constrain the extent of those circumstances. For that reason, I welcome the amendments that were agreed to at stage 2, including the requirement for a review.

14:30

Bill Wilson's amendments 1 to 4 would help to tighten up further the timeframe for the review and would ensure that the exercise is repeated thereafter. That can help to maintain pressure on the gamekeeping industry and others to keep innovating in snare design and usage while also keeping the need for snaring itself under review. Although I believe that that focus is necessary, the timeframes that Elaine Murray proposes perhaps give insufficient time for the changes that the bill introduces to bed in.

I support Elaine Murray's amendments 16 and 20. She and I shared a concern at stage 2 about the extent to which snares are simply used in large numbers with too few questions being asked about how and where they are to be used.

The introduction of identification numbers will be helpful, and Elaine Murray's proposal, that they be issued only where a chief constable is satisfied that a snare operator has received suitable training on when snaring is an appropriate method of predator control, is sensible. I would welcome the minister's thoughts on how training modules

will be kept up to date, on how suitable independent advice on animal welfare issues will be built in and on how snare operators might be required to undergo refresher training sessions at appropriate intervals.

My amendments 23 and 24 follow on from attempts that I made at stage 2 to ensure that more accurate series of records are kept of snares that are used. Amendment 23 reflects the wording of the current practitioners guide on snaring, but it does no harm for that to appear in the text of the bill. OneKind observes:

“not only will this information help with law enforcement but will also prove useful in the review process as laid out in the Bill”.

I will therefore have pleasure in moving those amendments.

I have reservations about amendments 17, 51, 21, 15 and 18. Although there will continue to be those who argue for an outright ban on snaring, I believe that we have struck a reasonable balance based on the evidence that has been presented to us as a committee and as a Parliament.

For now, snaring remains a necessary if unpleasant method of predator control for farmers and other land managers. The measures that we are putting in place through the bill will ensure that its use is more limited, tightly controlled and subject to on-going scrutiny. I hope that, even among those who seek an outright ban—which, of course, would not eliminate illegal snaring completely—there is recognition of the progress that has been made, which must now be properly monitored and enforced.

**Elaine Murray (Dumfries) (Lab):** Irene Oldfather's amendment 5 reflects Labour Party policy, as accepted at our annual conference and included in our manifestos for the 2007 and 2010 elections. In the Labour Party, we like to stick by our manifesto commitments.

If amendment 5 is not agreed to, the subsequent amendments in my name give members the opportunity to tighten up further on the use of snares. There is no doubt on this side of the chamber that holding a frightened animal without food, water or shelter for up to 24 hours, possibly in extreme weather conditions, causes suffering to that animal. The Humane Society aims to prevent unnecessary suffering, and practices that cause suffering should not be used unless there is no other method of control available that would cause less suffering. That is the purpose of my amendments.

Amendment 15 would require a person who is setting a snare to be assured that no alternative method of controlling or capturing the animal is possible and would require Scottish ministers to provide guidance on how that judgment should be

made. Anyone setting a snare would have to consider alternatives before doing so. If they were found to have set a snare in circumstances in which it was not reasonable to consider that other methods would have been ineffective, they would commit an offence.

My amendments are alternatives to the ones that I lodged at stage 2, which required a judgment to be made by the chief constable, and which were felt by the minister to be overly bureaucratic for the police.

Amendment 16 would require the chief constable issuing a snare identification number to be satisfied that the applicant had received training, for example on what alternative methods of control might be available, before issuing that identification number.

Under amendment 18, failure to comply with the requirement to ensure that no alternative and preferable method can be used would constitute an offence.

Amendment 51 would require the chief constable to revoke the snare identification number if an offence had been committed. The bill as introduced will allow someone who has committed an offence to retain their identification number and to continue to use their snares. It is important that someone's ability to use a snare is revoked if they are found guilty of committing an offence. That will help to concentrate the minds of the users of snares on the circumstances under which their use is permitted.

Amendment 17 would require the chief constable to consider whether an offence has been committed when an identification number has been issued.

Amendment 20 would empower the Scottish ministers to make provisions by order, describing the circumstances under which the use of a snare is considered appropriate.

Amendment 21 would allow such an order to include the conditions that would have to be met for an applicant whose identification number had been revoked after being found guilty of committing an offence to successfully reapply for an identification number.

We support amendments 23 and 24 in the name of Liam McArthur.

Amendments 1A, 1B and 1C would amend Bill Wilson's amendment 1. His amendments 1 to 4 require a review of the snaring provisions to be undertaken by 31 December 2016 and further reviews to be undertaken every five years. That was the committee's recommendation at stage 1. However, that would mean that no review would take place during the next parliamentary session, even if that session is increased to five years. My

amendment 1A would enable the next Scottish Government to review the effectiveness of the snaring provisions. The date by which that would have to be done—30 June 2014—would give the next Government time to introduce new measures even if the session runs for only four years. My amendments 1B and 1C would reduce the period of review to every four years. In conjunction with amendment 1A, that would enable the provisions to be reviewed once in every session of Parliament.

**Roseanna Cunningham:** I am well aware that snaring evokes strong feeling among the public and members of the Parliament. Most of us do not like to contemplate predator control, but it is a reality and a necessary element of responsible countryside management.

**Rhona Brankin (Midlothian) (Lab):** Will the member take an intervention?

**Roseanna Cunningham:** With respect, it might be advisable if the member waited until I said a little more before she tries to intervene.

Irene Oldfather does not go as far as saying that we should not control predators.

**Irene Oldfather:** On a point of order, Presiding Officer, I wonder whether you will clarify for the minister that it was not in fact me who tried to intervene. She may want to apologise.

**The Deputy Presiding Officer (Trish Godman):** That is not a point of order.

**Roseanna Cunningham:** I am sorry if I picked up the wrong person who was trying to intervene.

I ask Irene Oldfather to consider the consequences of amendment 5. Crofters, gamekeepers and farmers throughout Scotland need to be able to protect their crops and livestock. If amendment 5 is agreed to, they will still have to do that, but Irene Oldfather would leave them with no other option but laming and shooting. Unfortunately, that would have one of two effects: either it would force crofters, gamekeepers and farmers to shoot in what might be less than ideal situations; or it would force them to stand by and watch the damage to, or destruction or death of, their crops and livestock. For some, the damage might cost them the viability of their business and their livelihood.

**Rhona Brankin:** The member has said that snaring is a necessity. Is she not aware of the estates in Scotland that manage perfectly well without snaring?

**Roseanna Cunningham:** We are persuaded by the evidence that we get from the vast majority of estate managers that snaring has to happen. It is not just estates, of course—there is a requirement to use snaring more widely. I am not prepared to

put people in the position of having a much more difficult process for controlling predators to protect their livelihoods, so I do not support amendment 5.

The Rural Affairs and Environment Committee unanimously recognised the stark reality as part of its detailed consideration of the arguments in evidence. Therefore, we must shift our focus to ensuring high standards of snaring practice, with animal welfare at the forefront. Animal welfare should be central to accredited training. Ministers would seek the input of Government vets and the constructive input of the SSPCA in considering accredited training. In addition, I emphasise that, as new technology becomes available and workable, all operators will have to be trained in its use.

Liam McArthur's amendments 14, 23 and 24, which provide for record keeping, are reasonable. There are obvious benefits to ensuring that unforeseen circumstances, such as those that he described, do not result in harm to animal welfare because of a lack of information about where snares are set. I therefore support amendments 14, 23 and 24.

I cannot support Elaine Murray's amendments 15 and 18, as they would have the presumably unintentional effect of creating a thought crime. The amendments would not limit the consideration of alternative methods to only legal methods. Similarly, I do not support amendments 17, 21 and 51, which relate to the revocation of snare numbers following conviction, as they would amount to a de facto licensing scheme.

A licensing scheme was not consulted on by Government, not subject to evidence taking at stage 1 and not proposed at stage 2. It is an entirely new and significant issue for us to be first considering at stage 3 of the bill, given the scrutiny that has already been given to the snaring provisions. Amendments 17, 21 and 51 are not supported by any detail that gives clarity and assurance on how the scheme might operate, which means that it is all left to orders.

**Karen Gillon (Clydesdale) (Lab):** Does the minister not find it a bit strange that there seems to be no sanction in the bill that would be applied to someone who consistently uses a snare inappropriately in order to prevent them from operating snares?

**Roseanna Cunningham:** As I said, the amendments are not supported by any detail that gives clarity and assurance on how the scheme might operate, which means that it is all left to orders.

What Karen Gillon and her colleagues propose would create a worse mess than we have at present. From the way in which the amendments are currently drafted, the only thing of which we

can be sure is that they would cut across the courts' sentencing powers. We have courts to do the type of things that members are talking about. The amendments would provide an additional layer of penalty, irrespective of the courts' view of appropriate sentencing. I do not support amendments 17, 21 and 51.

**Elaine Murray:** Will the minister give way?

**Roseanna Cunningham:** If members on the Labour side of the chamber do not think that the courts are the right place to make decisions about guilt or innocence, I am sorry to hear that.

**Elaine Murray:** Will the minister give way?

**Roseanna Cunningham:** Elaine Murray might wish to know that I support her amendments 16 and 20, because they leave to accredited training something that it was proposed at stage 2 should be in the hands of the police. That is entirely reasonable.

All the amendments on snaring reviews go much further than the committee's recommendation, on which the Government has already acted by lodging an amendment at stage 2. Elaine Murray's amendments 1A, 1B and 1C would provide, on the basis of the suggested timescales for training provided by the committee, a maximum of a year before a review. I consider that to be far too short a timescale in which to gather the relevant data, research and information for such a review. We should also note, given recent discussions, that we cannot be certain about future lifetimes of the Parliament.

In contrast, I am pleased to support Bill Wilson's amendments 1, 2 3 and 4 to provide for future reviews of snaring beyond 2016. That is in keeping with what the committee recommended and with the amendment that I lodged in accordance with that recommendation, and it repeats the period of review. It is a sensible approach, bearing in mind the technological developments that will undoubtedly continue to emerge and the need to gather proper data and research. I should also note that amendment 22 in my name is a technical renumbering amendment.

I urge the chamber to act in accordance with the lead committee's conclusions on the issue, to ensure that those crofters, gamekeepers and farmers for whom snaring is the only option to protect their livestock and crops are not stripped of their ability to do so by this Parliament, and to leave it to the courts to make the right determinations about guilt and innocence.

**Bill Wilson (West of Scotland) (SNP):** Snaring is a controversial issue. Those who argue for it state that it is an essential aspect of land management. The committee was provided with evidence from a range of sources that argued for

maintaining the option of snaring, because it is important to land managers. However, many members, myself included, have a deep sense of unease when contemplating snaring as a management tool.

Two fundamental issues arise: the number of non-target species that are caught and the suffering that a snared animal may undergo. Those who argue for snaring accept those concerns and claim that the actions that they have taken to develop new types of snares, the code of practice that is proposed in the bill and the introduction of training programmes will significantly reduce the by-catch of non-target species and the suffering that trapped animals undergo.

I well understand why some members in the chamber cannot vote for a continuation of snaring under any circumstance. I believe that the issue is one of conscience. I am prepared to vote for a continuation of the practice, but I cannot do so without some conditions.

We need good-quality data, and we must be certain that suffering is limited and that non-target species by-catch is limited—I say “limited” because it is clear that both will always occur. For that reason, I lodged amendment 1. Regular reviews will ensure that we have the data to determine whether this management technique should be allowed to continue, and that there is continuing pressure on those who manage the land to maintain the highest standards of practice and to continue to develop improved techniques.

I must say to the minister that the reviews should be no rubber stamp. If they show that there is a substantial impact on non-target species, or if there remain significant concerns about the level of suffering of animals trapped in snares, or perhaps if there is evidence of widespread failure to check snares regularly within appropriate time limits, snaring should come to an end.

14:45

**Christine Grahame (South of Scotland) (SNP):** I rise to speak in support of Irene Oldfather’s amendment 5. I am very sympathetic to what I might term the fallback position posited by Elaine Murray in her amendments.

I say to Liam McArthur that I speak not just with my heart but with my head, which is no bad combination. I say to the minister that I fully acknowledge that pest control is a necessity of life.

I have a long-standing opposition to snaring, and it is not the result of blind prejudice. Indeed, I recently chaired a debate that the cross-party group on animal welfare held, when we had the gamekeepers and land managers on one side and

the animal welfare groups, such as OneKind and the SSPCA, on the other. The debate was straightforward and it was held in a very civilised and informed manner. The result was 13 each—no white hats, no black hats.

The SSPCA in particular showed respect to the gamekeepers. It made it plain that much intelligence on animal cruelty and unauthorised pest control is brought to its attention by those very gamekeepers—who incidentally pled the succinct case that if there were a more humane means of fox control in particular, they would opt for it.

However, the evidence from, for example, veterinary pathologists who appeared at previous meetings of the cross-party group proved to me beyond reasonable doubt that snares can be indiscriminate and can cause severe distress and result in a prolonged death, not just for target species but for badgers, roe deer and domestic pets. I am not yet convinced that the stops and the regulations that have been brought in will prevent those instances. Regulation and licensing is better than what we have, but it is not enough.

Let us look at reporting and policing. How would a member of the public who came upon a dead or dying animal in a snare know whether the snare was licensed? They would not know.

I think that Parliament will accept that people with no scruples will lay illegal snares—or even legal snares—and not check them or even set them properly. In a previous debate, I asked who would go out in the various valleys in the pouring rain to check snares. Will everybody go out within 24 hours to check a snare? I doubt it.

For me, simplicity in law and enforcement are key tests. I therefore ask members to consider whether they accept that cruel, slow deaths will still occur, notwithstanding regulation and reviews. The simplest, cleanest and most enforceable thing to do is to ban snaring—no ifs, no buts.

**Marilyn Livingstone (Kirkcaldy) (Lab):** I rise to support the amendments in the name of Irene Oldfather and Elaine Murray. As members will be aware, I lodged an amendment at stage 2 calling for an outright ban on the use of snares. I withdrew the amendment to allow for further public and parliamentary debate. At that stage, I highlighted the evidence of animal suffering that Irene Oldfather and others have outlined in the chamber and, importantly, the overwhelming public support for a ban on these outmoded traps.

If members support amendment 5, in the name of Irene Oldfather, they will show their humanity and reflect the views of the vast majority of people in Scotland. I cannot agree with the minister that snaring is a necessary part of land management.

Like Christine Grahame, I am not convinced of the case that the minister made.

Snaring is cruel and indiscriminate and it is not supported by scientific evidence. I hope that members will support amendment 5 and, in so doing, represent the 77 per cent of their constituents who support an outright ban. Seventy-five per cent of veterinary surgeons also support an outright ban. Some 10,000 messages on this issue were sent to constituency MSPs the length and breadth of Scotland in the past three months.

I ask members to please search their consciences and support an outright ban on this outmoded and very cruel method of land management.

**John Scott:** Like others, I am aware that snaring is a very emotive subject. I share the concerns of many who are opposed to snaring and am aware of the genuinely held views of people such as Christine Grahame, Marilyn Livingstone and Irene Oldfather.

However, the Scottish Conservatives continue to believe that snaring is an important tool for predator control for the reasons that the minister outlined, so regrettably we will not be supporting Irene Oldfather's amendment 5, in line with evidence led before the committee and the committee's conclusions.

We oppose Elaine Murray's amendments because they assume that other effective means of control are available, which is not always the case. For example, the snare is the only viable fox-culling method in the field that has been assessed for humaneness against an international standard. That might be news to Elaine Murray and to the whole Parliament.

**Elaine Murray:** John Scott misinterprets the purpose of my amendments, because if no other reasonable method of control was available, snaring would be permitted. That is the opposite of what he described.

**John Scott:** I take Dr Murray's point but, notwithstanding her intention, what I described would be the effect of her amendments.

We will not support Liam McArthur's amendments 14, 23 and 24. I acknowledge that the principle of record keeping is good, but the industry code of practice, rather than the bill, is the correct place in which to include such provisions, because that would allow flexibility later if change was required. The Rural Affairs and Environment Committee discussed this morning the dangers of putting in bills provisions that preclude flexibility later.

We will support Bill Wilson's amendments 1 to 4, which would make a valuable contribution to

improving the practice of snaring by establishing a quinquennial review.

**Karen Gillon:** The Scottish Government's position on Elaine Murray's amendment 51 is nonsensical. If it accepts that snaring must exist, sets up a system in which snares can be used and puts in statute a framework, that framework must be enforceable. The amendment says that, if a person is convicted of an offence that ministers have created, that person—who has been trained as the bill requires but has not done what the bill requires—is not fit to set snares.

Under the bill, surely the Parliament should require the chief constable to remove such a person's right to set snares. Surely that is not too much to ask of the Parliament. If a person is convicted of not doing what the Parliament wants, surely they should no longer have the tags that allow them to set snares and we should remove their right to set snares under the bill. I ask members to support amendment 51.

**Irene Oldfather:** It is clear that views on snares are deeply held across the chamber. Many have said that snares are a necessity. I draw to the attention of the minister and others the words of a practising Glasgow vet and active Scottish National Party member, George Leslie, who has considerable experience in the matter. He said:

"Supporters of snaring ... say that they are a necessity ... no evidence has been produced to explain this 'necessity' or why the majority of landholdings in Scotland do not use snares and ... conduct programmes of sensitive wildlife conservation."

RSPB Scotland, the John Muir Trust, the Scottish Wildlife Trust and the Forestry Commission—among a host of others—undertake such sensitive land management, and 10 member states of the European Union do not use snares.

Christine Grahame's point about clarity and simplicity was well made. Even when snares are used legally, animal suffering cannot be avoided. Scotland should treat its beautiful wild animals with respect and accept once and for all that killing them in wire nooses is a technique that must be consigned to the dustbin of history.

**The Deputy Presiding Officer:** The question is, that amendment 5 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Baker, Richard (North East Scotland) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brankin, Rhona (Midlothian) (Lab)  
Butler, Bill (Glasgow Anniesland) (Lab)



Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### Against

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)

Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** On amendment 5, there voted yes 56, no 72—[*Interruption.*] I apologise—someone was talking, so I will start again.

The result of the division is: For 50, Against 72, Abstentions 0.

*Amendment 5 disagreed to.*

*Amendment 14 moved—[Liam McArthur].*

**The Deputy Presiding Officer:** The question is, that amendment 14 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division—but would members who want to say “no” say it a bit louder and quicker, please?

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)

Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### Against

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 104, Against 17, Abstentions 0.

*Amendment 14 agreed to.*

*Amendment 15 moved—[Elaine Murray].*

**The Deputy Presiding Officer:** The question is, that amendment 15 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**Against**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)

Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 49, Against 74, Abstentions 0.

*Amendment 15 disagreed to.*

*Amendment 16 moved—[Elaine Murray].*

**The Deputy Presiding Officer:** The question is, that amendment 16 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**Against**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 107, Against 16, Abstentions 0.

*Amendment 16 agreed to.*

*Amendment 17 moved—[Elaine Murray].*

**The Deputy Presiding Officer:** The question is, that amendment 17 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**Against**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)

Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 49, Against 75, Abstentions 0.

*Amendment 17 disagreed to.*

*Amendment 18 moved—[Elaine Murray].*

**The Deputy Presiding Officer:** The question is, that amendment 18 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**Against**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)

Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 49, Against 75, Abstentions 0.

*Amendment 18 disagreed to.*

*Amendment 51 moved—[Elaine Murray].*

15:00

**The Deputy Presiding Officer:** The question is, that amendment 51 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**Against**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 49, Against 74, Abstentions 0.

*Amendment 51 disagreed to.*

*Amendment 20 moved—[Elaine Murray].*

**The Deputy Presiding Officer:** The question is, that amendment 20 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Annesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)

McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**Against**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 107, Against 16, Abstentions 0.

*Amendment 20 agreed to.*

*Amendment 21 not moved.*

*Amendment 22 moved—[Roseanna Cunningham]—and agreed to.*

*Amendment 23 moved—[Liam McArthur].*



**The Deputy Presiding Officer:** The question is, that amendment 23 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)

McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**Against**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Thompson, Dave (Highlands and Islands) (SNP)

**Abstentions**

MacDonald, Margo (Lothians) (Ind)

**The Deputy Presiding Officer:** The result of the division is: For 106, Against 17, Abstentions 1.

*Amendment 23 agreed to.*

*Amendment 24 moved—[Liam McArthur].*

**The Deputy Presiding Officer:** The question is, that amendment 24 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**Against**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

**Abstentions**

MacDonald, Margo (Lothians) (Ind)

**The Deputy Presiding Officer:** The result of the division is: For 104, Against 16, Abstentions 1.

*Amendment 24 agreed to.*

*Amendment 1 moved—[Bill Wilson].*

*Amendment 1A moved—[Elaine Murray].*

**The Deputy Presiding Officer:** The question is, that amendment 1A be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### **For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### **Against**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)

Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### **Abstentions**

MacDonald, Margo (Lothians) (Ind)  
Munro, John Farquhar (Ross, Skye and Inverness West)  
(LD)

**The Deputy Presiding Officer:** The result of the division is: For 47, Against 75, Abstentions 2.

*Amendment 1A disagreed to.*

*Amendment 1B moved—[Elaine Murray].*

**The Deputy Presiding Officer:** The question is, that amendment 1B be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Baker, Richard (North East Scotland) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brankin, Rhona (Midlothian) (Lab)  
Butler, Bill (Glasgow Anniesland) (Lab)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Curran, Margaret (Glasgow Baillieston) (Lab)  
Eadie, Helen (Dunfermline East) (Lab)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Foulkes, George (Lothians) (Lab)  
Gillon, Karen (Clydesdale) (Lab)  
Glen, Marilyn (North East Scotland) (Lab)  
Gordon, Charlie (Glasgow Cathcart) (Lab)  
Grahame, Christine (South of Scotland) (SNP)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (East Lothian) (Lab)  
Harper, Robin (Lothians) (Green)  
Harvie, Patrick (Glasgow) (Green)  
Henry, Hugh (Paisley South) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley)  
(Lab)  
Kelly, James (Glasgow Rutherglen) (Lab)  
Kerr, Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
Macintosh, Ken (Eastwood) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McConnell, Jack (Motherwell and Wishaw) (Lab)  
McMahon, Michael (Hamilton North and Bellshill) (Lab)  
McNeil, Duncan (Greenock and Inverclyde) (Lab)  
McNeill, Pauline (Glasgow Kelvin) (Lab)  
McNulty, Des (Clydebank and Milngavie) (Lab)  
Mulligan, Mary (Linlithgow) (Lab)  
Munro, John Farquhar (Ross, Skye and Inverness West)  
(LD)  
Murray, Elaine (Dumfries) (Lab)  
Oldfather, Irene (Cunninghame South) (Lab)  
Park, John (Mid Scotland and Fife) (Lab)  
Peacock, Peter (Highlands and Islands) (Lab)  
Peattie, Cathy (Falkirk East) (Lab)  
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
Smith, Elaine (Coatbridge and Chryston) (Lab)  
Stewart, David (Highlands and Islands) (Lab)  
Whitefield, Karen (Airdrie and Shotts) (Lab)  
Whitton, David (Strathkelvin and Bearsden) (Lab)

#### Against

Adam, Brian (Aberdeen North) (SNP)  
Aitken, Bill (Glasgow) (Con)  
Allan, Alasdair (Western Isles) (SNP)  
Brocklebank, Ted (Mid Scotland and Fife) (Con)  
Brown, Gavin (Lothians) (Con)  
Brown, Keith (Ochil) (SNP)  
Brown, Robert (Glasgow) (LD)  
Brownlee, Derek (South of Scotland) (Con)  
Campbell, Aileen (South of Scotland) (SNP)  
Carlaw, Jackson (West of Scotland) (Con)  
Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
Constance, Angela (Livingston) (SNP)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perth) (SNP)  
Don, Nigel (North East Scotland) (SNP)  
Doris, Bob (Glasgow) (SNP)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Finnie, Ross (West of Scotland) (LD)  
FitzPatrick, Joe (Dundee West) (SNP)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gibson, Rob (Highlands and Islands) (SNP)  
Goldie, Annabel (West of Scotland) (Con)  
Harvie, Christopher (Mid Scotland and Fife) (SNP)  
Hepburn, Jamie (Central Scotland) (SNP)  
Hume, Jim (South of Scotland) (LD)  
Hyslop, Fiona (Lothians) (SNP)  
Ingram, Adam (South of Scotland) (SNP)  
Johnstone, Alex (North East Scotland) (Con)  
Kidd, Bill (Glasgow) (SNP)  
Lamont, John (Roxburgh and Berwickshire) (Con)  
Lochhead, Richard (Moray) (SNP)  
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
Marwick, Tricia (Central Fife) (SNP)  
Mather, Jim (Argyll and Bute) (SNP)  
Matheson, Michael (Falkirk West) (SNP)  
Maxwell, Stewart (West of Scotland) (SNP)  
McArthur, Liam (Orkney) (LD)  
McGrigor, Jamie (Highlands and Islands) (Con)  
McInnes, Alison (North East Scotland) (LD)  
McKee, Ian (Lothians) (SNP)  
McKelvie, Christina (Central Scotland) (SNP)  
McLaughlin, Anne (Glasgow) (SNP)  
McLetchie, David (Edinburgh Pentlands) (Con)  
McMillan, Stuart (West of Scotland) (SNP)  
Milne, Nanette (North East Scotland) (Con)  
Mitchell, Margaret (Central Scotland) (Con)  
Neil, Alex (Central Scotland) (SNP)  
O'Donnell, Hugh (Central Scotland) (LD)  
Paterson, Gil (West of Scotland) (SNP)  
Pringle, Mike (Edinburgh South) (LD)  
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
Robison, Shona (Dundee East) (SNP)  
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
Russell, Michael (South of Scotland) (SNP)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, John (Ayr) (Con)  
Scott, Tavish (Shetland) (LD)  
Smith, Elizabeth (Mid Scotland and Fife) (Con)  
Smith, Iain (North East Fife) (LD)  
Smith, Margaret (Edinburgh West) (LD)  
Somerville, Shirley-Anne (Lothians) (SNP)  
Stephen, Nicol (Aberdeen South) (LD)  
Stevenson, Stewart (Banff and Buchan) (SNP)  
Stone, Jamie (Caithness, Sutherland and Easter Ross)  
(LD)  
Sturgeon, Nicola (Glasgow Govan) (SNP)  
Swinney, John (North Tayside) (SNP)  
Thompson, Dave (Highlands and Islands) (SNP)  
Tolson, Jim (Dunfermline West) (LD)  
Watt, Maureen (North East Scotland) (SNP)

Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 48, Against 75, Abstentions 0.

*Amendment 1B disagreed to.*

*Amendment 1C moved—[Elaine Murray].*

**The Deputy Presiding Officer:** The question is, that amendment 1C be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### Against

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)

Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 48, Against 75, Abstentions 0.

*Amendment 1C disagreed to.*

*Amendment 1 agreed to.*

*Amendments 2 to 4 moved—[Bill Wilson]—and agreed to.*

### **Section 15—Non-native species etc: code of practice**

**The Deputy Presiding Officer:** We move to group 5. Amendment 6, in the name of John Scott, is grouped with amendments 29, 9 to 12, 35 and 38.

**John Scott:** In essence, the amendments in the group are drafting amendments, which make minor consequential corrections to amendments in my name that were agreed to at stage 2. I commend the amendments.

I move amendment 6.

**Roseanna Cunningham:** Given the commendable brevity of John Scott's remarks, it would ill behove me to speak for longer. We support the amendments in the group.

*Amendment 6 agreed to.*

### **Section 18—Licences under the 1981 Act**

*Amendment 52 moved—[Peter Peacock].*

**The Deputy Presiding Officer:** The question is, that amendment 52 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### **For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)

Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### **Against**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)

McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 46, Against 73, Abstentions 0.

*Amendment 52 disagreed to.*

**The Deputy Presiding Officer:** We move to group 6. Amendment 53, in the name of Peter Peacock, is the only amendment in the group.

**Peter Peacock:** Amendment 53 was lodged following concern that the provisions in the bill do not fully match the requirements of the relevant EU directive. There are species, such as the water vole and the red squirrel, that deserve more protection. That was debated at stage 2, and I am clear that the Government shares the concerns to protect those species adequately and that it believes that it has sufficient powers to do so.

Nonetheless, concerns remain in some quarters that the provisions are not as strong as the EU directive implies. I am sure that the minister does not share that view. The amendment is lodged in the spirit of providing her with an opportunity to make it clear on the record that there is nothing to fear in the wording's being different and that the effect is the same.

I hope that the minister can give the necessary reassurance and we can all save ourselves a vote.

I move amendment 53.

**Roseanna Cunningham:** Peter Peacock's amendment 53 deals with two distinct issues, so I will address it in two parts, both of which relate to animals only.

The first part seeks to replace the new licensable purposes in the bill with the wording of the habitats directive. At stage 2, I asked for practical examples of how the new licensable purpose would fall short to justify such a change. I have received no practical examples. Therefore, the problem that the first part of amendment 53 seeks to address is, as far as I can tell, totally theoretical.

I can understand that it might appear appealing to some people to have the same construction in European and domestic legislation, but the Wildlife and Countryside Act 1981 does not transpose the habitats directive; that is done elsewhere. Therefore, it would be unwise to accept an amendment that suggests that that is what the 1981 act does.

Peter Peacock is correct in that the policy objectives behind the new licensable purpose in the bill are the same as those that are contained in the directive. I hope that he will take some comfort from that.

The second part of amendment 53 seeks to change our licensing system in relation to animals, and its significance as part of the amendment should not be overlooked. No justification for the change has been given that is based on actual problems with the current system and I do not accept that it would not impose an unnecessary burden. Any change to the current and well-established legal position of species licensing on animals that was not consulted upon is bound to introduce a new burden. In addition, it would require considerable work by SNH to establish favourable conservation status for all the animals that are covered.

The second part of amendment 53 would affect every animal licence issued and may even, in the short term, bring current systems to a grinding halt. We have heard no justification for it as part of the Parliament's scrutiny of the bill. I do not support the amendment.

**Peter Peacock:** The minister made it clear that the policy intention behind the bill's provisions is to secure the same outcomes that I seek. On that basis, I will not press the amendment.

*Amendment 53, by agreement, withdrawn.*

**The Deputy Presiding Officer:** We move to group 7. Amendment 25, in the name of Elaine Murray, is grouped with amendment 36.

**Elaine Murray:** At stage 2, I raised concerns over the delegation of licensing powers to local authorities in the bill. That was not a power that local authorities seemed to want—those that responded indicated that they did not particularly wish for the delegation—and concerns were expressed that it could lead to inconsistencies

between local authority areas if, for example, different views were taken on the issuing of licences to take protected species.

At stage 2, I received assurances from the minister that the intention referred only to planning issues and local authorities' planning responsibilities. My amendment 25 makes that clear in the bill.

I move amendment 25.

**John Scott:** I will support Elaine Murray in this group of amendments.

**Roseanna Cunningham:** Elaine Murray is correct in saying that we would consider the delegation of licensing functions to local authorities only where they relate to planning, so I have no issue with supporting amendments 25 and 36.

Any delegation would follow consultation with all interested parties. However, I am a little nonplussed by those local authorities that say that they do not have the expertise to deal with species licences. Where a development affects European protected species, they are bound to consider whether any disturbance to the species will be authorised by a licence granted by the Scottish ministers for the purposes of the derogation in article 16 of the habitats directive. I hope that the local authorities that are in that position will have a look at their processes.

I support both amendments in the group.

**Elaine Murray:** I am pleased to have received support from John Scott and the minister. I press amendment 25.

*Amendment 25 agreed to.*

*Amendments 54 and 55 not moved.*

#### After section 19

15:15

**The Deputy Presiding Officer:** We move to group 8. Amendment 26, in the name of the minister, is the only amendment in the group.

**Roseanna Cunningham:** Members will have noticed the commendable restraint with which the Government has approached stage 3. Amendment 26 is the first major Government amendment that we are considering this afternoon.

Members are well aware that, during consideration of the bill in the Parliament, there was much discussion about and frank exchanges of views on wildlife crime. It seems that members would value a regular account of wildlife crime, and amendment 26 will deliver that in a flexible and appropriate way.

There are two points to make about amendment 26. First, it will allow ministers to provide an annual account of the scale of wildlife crime, to relate that to the UK wildlife crime priorities in Scotland, and to explore other issues of concern at the time. There is flexibility to ensure that the key issues of the day can be addressed in the annual report. We need to remember that, in 10 or 20 years, the landscape of wildlife crime could be very different. Indeed, given the on-going work to address priority issues, I hope that the same issues will not continue to blot Scotland's landscape.

Secondly, the report could be much more than a short set of statistics. I think that we all agree that we would want to see crime figures from the police and an account of prosecutions, but the report could and should go further. Relevant and timely research that provides context and advice that provides direction to all those who are involved in the prevention, investigation and prosecution of wildlife crime would be welcome inclusions in the report.

I move amendment 26.

**Elaine Murray:** I will be brief. I welcome amendment 26. There is cross-party condemnation of wildlife crime. A report, as suggested by the minister, would help to inform future legislative proposals and it is very much to be welcomed.

**Liam McArthur:** At earlier stages, it was suggested that such a report would perhaps elevate wildlife crime to a more exalted status than other types of crime, but I do not think that that will be the case. The Parliament has a fairly good track record of shining a spotlight on all types of crime, and ministers regularly report on the latest figures and the steps that are being taken to address trends and aspects that are the subject of concern. I do not wish to overstate the comparisons in that regard, but the approach that the minister has set out in her amendment is sensible and will provide a focus for an issue that, as Elaine Murray has said, we have all agreed remains stubbornly resistant to the measures that successive Governments and Parliaments have taken to address it. I welcome that approach.

*Amendment 26 agreed to.*

**The Deputy Presiding Officer:** We move to group 9. Amendment 7, in the name of Liam McArthur, is grouped with amendment 27.

**Liam McArthur:** Members will recall that, at stage 2, I lodged an amendment that was similar to amendment 7 to seek to extend the cause-or-permit provisions to offences in part 1 of the 1981 act. Those sections do not currently have such a provision attached, and that inconsistency of approach to different offences requires to be



addressed. The minister expressed sympathy for that approach at stage 2, but invited further discussion ahead of stage 3. I am grateful to her for the input that she and her officials have provided, and I hope that amendment 7 finds favour throughout the chamber.

Amendment 27 may prove a little less straightforward. Before I decide whether to press it, I will give some brief background information. The vicarious liability provisions that we have already discussed and which enjoy cross-party support do not currently apply to section 1(2) of the 1981 act. It is argued that that means that the measures are too narrowly defined, not least because it is the offence of possession with which many who are accused of bird of prey persecution can potentially be charged.

As the RSPB states in its briefing, its staff regularly assist police in inquiries in which illegal killing has taken place but

“often in the absence of admissions, there was no provable link to a suspect to connect them with the offences uncovered prior to the warrant. The only charges libelled are as a result of what is found on that one day. Without the inclusion of this offence, there is a risk that the new provisions will have only limited benefit.”

As I said, my proposal might well be a step too far for the minister at this stage, but I invite her to consider whether the partnership for action against wildlife crime might be asked to look at it, with a view to making recommendations ahead of a future criminal justice bill.

I welcome the minister's assurance in her recent letter to the committee that she plans to add to PAWS's already hefty workload by asking it to look at the issue of “concerned in” the use of. During discussion of my amendment on that at stage 2, the minister argued that an additional provision in the bill was not necessary as the matter was already covered by art and part. However, in response to questioning from Karen Gillon, she conceded that no successful prosecutions had been brought for wildlife crime under those provisions, so although I have no interest in adding to the toolbox another tool that will not be used, I believe that an assessment needs to be made of how the existing provisions can be made more effective in the fight against raptor persecution and other forms of wildlife crime. In that regard, the minister's assurances are welcome.

I move amendment 7.

**John Scott:** I welcome amendment 7 but, as amendment 27 would introduce a further unwelcome and unnecessary offence and would add to and widen the scope of vicarious liability, which I oppose, it will come as no surprise to Liam McArthur that I oppose it.

**Roseanna Cunningham:** I appreciate the impetus for Liam McArthur's amendment 7, so although I believe it to be of limited value in widening the scope for prosecutions under the 1981 act, I am content to support it. I also appreciate that there may be a desire to tinker with the Government's vicarious liability provisions to see whether they could somehow be stretched further.

However, the vicarious liability provisions have been carefully constructed to target only those offences that are relevant to raptor persecution, which means that extending them to offences under section 1(2) of the 1981 act is problematic. That would not provide the right fit with the other underlying offences that the vicarious liability provisions cover. Section 1(2) is more likely to apply to those who take birds or eggs from the wild for breeding purposes than to those who kill or take wild birds. There is not the same link to persecution on which the vicarious liability provisions are predicated.

Extending the scope of the provisions in the way that Liam McArthur has proposed would go beyond those people and scenarios that vicarious liability is aimed at. I can understand that he may have been advised that extending the provisions to offences under section 1(2) of the 1981 act would provide an important addition to the fight against bird persecution, but that was not the conclusion that we reached with the police and the Crown Office during the development of the vicarious liability provisions. Apart from anything else, the complexity involved in developing due diligence guidance for a much wider group of people would be hugely increased.

The trade-off between the very small chance of an extra charge being brought under section 1(2) of the 1981 act, in addition to the offences that are covered by vicarious liability, and the possibility of unintended consequences arising from that change is not a good one, and I am not willing to take that risk. However, I agree to the proposal that PAWS should in future review vicarious liability and look at art and part. We are conscious that the issue will have to be constantly monitored.

**Liam McArthur:** I welcome the welcome for amendment 7, which I will press. I take on board the minister's concerns about amendment 27 and welcome the suggestion that PAWS will be invited to look at art and part.

*Amendment 7 agreed to.*

## Before section 20

**The Deputy Presiding Officer:** We move to group 10. Amendment 56, in the name of Peter Peacock, is the only amendment in the group.

**Peter Peacock:** Amendment 56 relates to the powers of the SSPCA, which were fully debated at stage 2. I understand the concerns that some members have about the issue.

The minister pointed out that the offer by the SSPCA—which, in my view, was a generous offer—to deploy resources to help fight wildlife crime raised important issues that should be properly consulted on before any decisions are made. I agree with that point. My amendment seeks to make provision for such consultation before the enactment of the powers that it contains.

The minister has indicated an alternative approach, whereby a criminal justice bill might provide a vehicle for change at some point in the future, and it would seem from earlier debates that a majority of people may prefer to follow that route. I understand that. The reason for amendment 56 is to reiterate my belief that the SSPCA could have an extremely important role to play in gearing up our ability to fight wildlife crime, particularly when police budgets are under such pressure.

However, amendment 56 has also been lodged to entice the minister to go a bit further than she has done before and indicate that the Government is committed to moving towards consultation at some point in the not-too-distant future. Such a consultation would allow all the necessary issues to be explored. If the minister is in a position to indicate that policy, I do not intend to push the issue further today.

I move amendment 56.

**John Scott:** Scottish Conservatives remain strongly opposed to amendment 56, which would allow significant powers to be given to private, campaigning or single interest bodies that might have little or no accountability, as well as to the SSPCA. The answer to tackling wildlife crime lies in recruiting more police or special constables. There is, of course, nothing to prevent members of the SSPCA from becoming special constables as a means of channelling their zeal for the cause. Indeed, I am sure that the police would welcome such recruits. I trust that members will agree and will oppose amendment 56.

**Roseanna Cunningham:** I have concerns about including a provision in the bill that could extend police powers without there having been any consultation. The significance of such a step should not be underestimated. At stage 2, I outlined issues of accountability, impartiality and independence that would require serious and considered deliberation. However, anything that might aid the enforcement of wildlife crime legislation is worthy of proper consultation so, in response to amendment 56, I give this

Government's commitment to consult on the issue in the future. I therefore ask Peter Peacock to withdraw amendment 56 and to allow for further consideration and proper consultation on this important issue.

**Peter Peacock:** I am grateful for the minister's generous offer and I readily accept it. Whether she will have the chance to do anything about it is another matter, but I accept the offer in the spirit in which it was made. I seek leave to withdraw amendment 56.

*Amendment 56, by agreement, withdrawn.*

### **Section 20B—Liability in relation to certain offences by others**

*Amendment 27 not moved.*

### **Before section 22**

**The Deputy Presiding Officer:** In group 11, amendment 28, in the name of Robin Harper, is grouped with amendments 30 to 33, 8 and 34.

**Robin Harper (Lothians) (Green):** Red deer numbers are a major factor determining the nature, quality and extent of many of Scotland's most important habitats and iconic species and the economic benefits, such as tourism, that they support. In the absence of natural predators, red deer numbers are determined by the management measures that we deploy. It is widely recognised that, in the past, such measures were not in the best interests of the natural environment. Formerly the Deer Commission for Scotland and now SNH have begun to address the issue. The measures that are already in the bill deliver a large number of the Deer Commission's recommendations.

However, one of the Deer Commission's key recommendations, which the Government supported in its first consultation, is missing: a general duty to manage deer sustainably. Amendment 28 seeks to rectify that omission. The amendment might not make a huge legal difference but placing sustainability at the forefront for the Deer (Scotland) Act 1996 sends a strong message to deer managers and to those who will draft and agree the code of practice that the Parliament expects them to act with sustainability in the front of their minds and not just as a desirable afterthought.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** On one of the estates in my constituency, the National Trust for Scotland slaughtered many deer. Does the member consider that to be sustainable management? Is that a prime example of what he is talking about?

15:30

**Robin Harper:** I am not privy to the details of that particular incident. I must declare an interest here, which is my election to the board of the National Trust for Scotland. [*Applause.*]

The view is shared by all the non-governmental organisations involved in deer management including the John Muir Trust, the National Trust for Scotland, the Scottish Wildlife Trust and RSPB Scotland; it was the view of the Deer Commission, the Government's adviser on deer at the time; and it is the view of the Government's current adviser, whose chief executive recently wrote to the convener of the LINK deer task force, saying:

"We maintain the view that a duty on individual land managers to comply with a code of sustainable deer management would be beneficial in encouraging collaborative deer management".

At stage 2, the minister reiterated that adviser's comment, caveating it with a reference to "legal problems". However, legal opinion has since been sought on those matters and I believe that amendment 28 would address any such concerns. It creates no specific offences and any criminal charges would be derived from other sections of the 1996 act.

Amendment 28 seeks to set a context and purpose for all the activities that are undertaken by SNH and other public bodies under the 1996 act and to put sustainability at the forefront of things. Instead of simply having an unwritten objective for all the processes that the bill establishes, the amendment seeks to set a clear and definitive outcome that those processes can achieve.

I move amendment 28.

**Liam McArthur:** Throughout our consideration of the bill, I, like other committee members, was made aware of the divergence of views over the need for a general duty on sustainable deer management. On balance, I remain of the view that the Government probably took the right approach in its backstop powers and that Robin Harper's revised proposal in amendment 28 still goes too far.

Nevertheless, there are strong arguments for strengthening the code of practice and ensuring that it can and will be made effective. Although a voluntary approach might well be desirable it is clear that to date it has been too easy for those so minded to frustrate efforts to manage deer sustainably, however that is defined and to be achieved. Amendments 30 to 33, in my name, which cover ground that we touched on at stage 2, seek to address that matter.

Amendments 30 and 31 seek to require the code of practice to cover practice for sustainable deer management and collaboration on such

management. It might seem inconceivable that that would not happen but, as I said at stage 2, even the possibility that such aspects might be absent from any code undermines confidence in its ability to achieve its objectives.

Amendment 32 returns to the issue of seeking to ensure that the code specifies arrangements for setting and implementing cull targets. Given that the greatest environmental risk from poor deer management stems from overgrazing, such a requirement seems logical. Circumstances in which there is no such risk—or, indeed, where additional numbers of deer are seen as desirable—can still be reflected in the code, but it should nevertheless be able to provide clear guidance on how cull levels are determined and, where necessary, on how they should be implemented.

Amendment 34 again seeks to deal with a matter discussed at stage 2 and, in lodging it, I have sought to deal with some concerns that the minister expressed in her response at that stage. A failure by the authorities, in this case SNH, to act where there has been a breach of the code would, I suspect, strike most people as a flaw in the system that we are putting in place. Given the extent of the powers that are available to SNH to act, that could and should not be on the basis of a technical or administrative breach. However, any failure to carry out management work required by the code or a management plan agreed in accordance with the code would seem to merit a response.

If amendment 34 is not acceptable to the minister, I would welcome at least clarification that the powers which SNH has at its disposal under sections 7 and 8 of the Wildlife and Countryside Act 1981 are not limited to use in relation to sites of special scientific interest. That suggestion has been made by some stakeholders and any assurance that that is not the case and that those powers will be more widely applicable will go some way to allaying fears in that respect.

Finally—and self-evidently—for any code of practice to remain credible it will require to be updated. Amendment 8 is a modest affair that seeks to ensure that the code keeps pace with best practice and developing technologies.

**John Scott:** Amendment 28 seeks to place a duty of sustainable deer management on public bodies and private individuals by requiring compliance with the deer code of practice. That is not appropriate, given that the code will contain guidance rather than duties or obligations with which a person will have to comply.

The amendments in the name of Liam McArthur would place obligations on SNH to set out in the deer code of practice certain matters such as

recommendations on sustainable deer management provision and collaboration on deer management. As drafted, the bill gives SNH discretion over what it includes in the code. The latter is the better approach, as the bill should not be prescriptive about the code.

As a result, the Scottish Conservatives will not support the amendments in this group.

**Elaine Murray:** We have considerable sympathy for the intentions behind the amendments. The committee was concerned about what happens when a landowner simply does not engage with the deer management group or ignores the code. The sanctions that are available when that happens have not been made clear. Both Robin Harper and Liam McArthur have attempted to strengthen the bill, and I welcome that very much. I also welcome the fact that Robin Harper proposes to state in the bill the need to manage deer sustainably. That is an omission, as we have not made that intention explicit in the bill. I am, therefore, happy to support the amendments in the names of Robin Harper and Liam McArthur.

**Roseanna Cunningham:** Amendment 28 provides a vision for the Deer (Scotland) Act 1996. As admirable as that vision might be, it nevertheless neglects the other issues that the 1996 act covers. The amendment has the benefit of not engaging European convention on human rights issues, but that is because—with the best of intentions—it is meaningless. However, it is not benignly meaningless. It has the potential to create disputes between deer managers in the belief that they should take certain actions, and such disputes could ultimately end up in court. Amendment 28 would not add any clarity to the current deer management structure. I re-emphasise what I said at stage 2, which still applies despite Robin Harper's attempts at refinement: the code cannot be a one-size-fits-all code; it will apply in different ways to different people in different circumstances. Amendment 28 should be resisted and I do not support it.

I turn to the amendments in the name of Liam McArthur on the code of practice. I am aware that there is some anxiety about what the code might cover. Since August 2010, SNH has been developing the code of practice with input from a wide range of stakeholders. The views that have been expressed in Parliament and among the different interests support the need to move forward on the code so that it can provide the clarity that we all seek. I have, therefore, asked SNH to provide ministers with a code of practice no later than six months from today. That will give Parliament the opportunity to consider the code and proceeds towards approval in autumn 2011. I hope that that satisfies Liam McArthur. It is with

that in mind that I do not support amendments 30 to 33.

The bill currently provides a good steer as to what is expected of the code and those who are currently involved in its development. I do not think that making that compulsory, as amendment 30 would do, or setting out further areas for inclusion, as amendments 31, 32 and 33 would do, would add anything to the process. The code will include recommended practice for sustainable deer management. That clearly includes collaboration, which is mentioned in amendment 33, as well as consideration of whether culling is needed and, if so, the need for an agreed cull plan, which is dealt with by amendment 32. The code should also address other management measures such as deer fencing.

I am happy to support amendment 8, which provides for review of the code of practice by SNH from time to time.

However, I do not agree with the premise behind amendment 34, which would fundamentally change the intervention processes and shift the focus from outcomes and impacts to process. Either the process has not worked and an adverse impact is likely or has occurred, in which case section 7 will be engaged anyway, or no adverse impact is likely or has occurred, in which case a failure in process alone should not be a ground for intervention. If there is no adverse impact, why would a failure in process be used as justification to intervene? I do not support amendment 34.

I understand that there are concerns that the newly refined intervention powers in sections 7 and 8 of the 1996 act are limited to application on SSSIs, but that is not the case. SNH can consider using the intervention powers that are contained in sections 7 and 8 on any land, as defined in the 1996 act. In the past, the Deer Commission was hampered in its use of intervention powers by clunky procedures without clear timelines. The bill improves those powers and I expect that they will allow SNH to take action as and when required. I mentioned at stage 2 that the merger of the Deer Commission with SNH made me optimistic about the future of deer management. That feeling has been bolstered by a positive reaction from deer management groups on the approach that has been taken in the bill. They are fully seized of what is expected of them in the coming years.

I support amendment 8 but not the other amendments in the group. I hope that Liam McArthur is satisfied with what he has heard in respect of the issues that he is concerned about.

**Robin Harper:** I have tried for the past 12 years, at various stages of various pieces of legislation, to introduce some kind of vision into the legislation. Amendment 28 represents my

penultimate attempt to do so, and I intend to press it.

**The Deputy Presiding Officer:** The question is, that amendment 28 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### Against

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)

Crawford, Bruce (Stirling) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 46, Against 75, Abstentions 0.

*Amendment 28 disagreed to.*

## Section 22—Deer management etc

**The Deputy Presiding Officer:** Amendment 57, in the name of Jamie McGrigor, is grouped with amendment 58.

**Jamie McGrigor (Highlands and Islands) (Con):** The purpose of amendments 57 and 58 is to help to address concerns about sika deer in Scotland. [*Interruption.*]

**The Deputy Presiding Officer:** I am sorry, Mr McGrigor. There is far too much noise in the chamber.

**Jamie McGrigor:** Native to east Asia, sika have escaped from parks since the late 19<sup>th</sup> century and have become established in the wilds of Scotland. Their populations can reach higher densities than those of any other species in a similar habitat and they can cause significant damage to trees and agricultural production.

The main concern in relation to sika is their ability to interbreed with our native red deer and produce fertile offspring. Research into the matter was recently carried out by a team of international researchers in Kintyre and was published in the *Journal of Animal Ecology* in 2009. Professor Josephine Pemberton, of the University of Edinburgh, whose laboratory undertook the research, said:

“It is possible that a new type of deer with new ecological impacts will emerge ... the ‘Mongrel of the Glens’ is a real possibility.”

The fact that, according to the Scottish Government’s own figures, sika now occupy more than 40 per cent of the red deer range underlines the seriousness of the problem.

I welcome the fact that some refuges for red deer that are free from sika deer genes have been established on west coast islands. However, it is my firm belief that we have an obligation to do much more to protect the genetic integrity of what is arguably Scotland’s most iconic animal. There are robust ecological, heritage and economic reasons to act. For visitors coming to Scotland, few experiences match the thrill of spotting a red deer stag on the hillside. However, the appeal of our tourism product will be markedly lessened if we cannot guarantee that what looks like a red deer is a red deer. Similarly, for people who come from across the globe to stalk and hunt our famous red deer, the appeal of doing so would undoubtedly be lessened should there be uncertainty about the purity of the red deer stock.

Last August, when I asked the minister, in a written question, about the Government’s aim with regards to sika, I was told that SNH had a statutory duty, under the Deer (Scotland) Act 1996 to

“further the conservation ... of deer” —[*Official Report, Written Answers*, 25 August 2010; S3W-35553.]

and that that applies to all deer in Scotland, including sika and hybrids.

Although any widespread efforts to eradicate sika would be neither desirable nor achievable, I believe that SNH should be developing a robust strategy to deal with sika in areas in which hybridisation is widespread. A statutory duty to conserve all deer would appear to militate against any such strategy.

The effect of the amendments is to remove the duty that is placed on SNH to conserve all deer and to replace it with a duty to conserve native deer. That is an important first step if we are serious about protecting the genetic purity of our native red deer.

I move amendment 57.

15:45

**Roseanna Cunningham:** Sika deer, which were introduced to this country in the mid-1800s, can, as Jamie McGrigor has identified, interbreed with our native red deer to produce hybrids, which poses a significant threat to the native red deer. In addition, where populations are high, they can have a serious impact on woodlands and can cause accidents on roads. The risk that they pose to our native red deer has resulted in the Scottish ministers establishing refugia islands for red deer on the islands off the west coast.

I understand that the current structure of the Deer (Scotland) Act 1996 has not presented SNH and its predecessors with any obstacles in dealing with sika where they are causing adverse impacts. That said, amendment 58 is sensible and reflects the current practical situation on the ground. Furthermore, it does not change the species that are relevant to the remainder of the 1996 act. For that reason, and noting the consistency with the approach in the bill on invasive non-native species, I support amendments 57 and 58.

*Amendment 57 agreed to.*

*Amendment 58 moved—[Jamie McGrigor]—and agreed to.*

*Amendment 29 moved—[Roseanna Cunningham]—and agreed to.*

## Section 23—Deer management code of practice

*Amendments 30 to 33 not moved.*

*Amendment 8 moved—[Liam McArthur]—and agreed to.*

*Amendments 9 to 12 moved—[John Scott]—and agreed to.*

### **Section 24—Control agreements and control schemes etc**

*Amendment 34 not moved.*

### **Section 25—Deer: close seasons etc**

*Amendment 35 moved—[Roseanna Cunningham]—and agreed to.*

### **Section 26—Register of persons competent to shoot deer etc**

**The Deputy Presiding Officer (Alasdair Morgan):** Group 13 is on the establishment of a register of persons competent to shoot deer—consultation. Amendment 13, in the name of John Scott, is the only amendment in the group.

**John Scott:** Amendment 13 requires consultation to be carried out on regulations that set up the register of persons competent to shoot deer. As it stands, the bill simply allows ministers and SNH to set out the criteria for competence, with no assurance that the industry will be consulted. It is vital that work is done with the industry to develop the criteria, which should be sector led rather than top down. A lot of work is already being undertaken to develop competence on a voluntary basis, and the criteria that are being developed as a result of that work should be replicated if regulations are ever made under the bill.

I move amendment 13.

**Mike Rumbles:** I support this important amendment. The industry feels that such consultation is extremely important, and it would be helpful if the minister could acknowledge that a great deal of work has already been done over the years, not least by estate managers in my constituency—on Deeside in particular—to ensure that people who are competent to shoot deer are recognised through obtaining the relevant vocational qualifications. The minister visited Glen Tanar estate in my neck of the woods, where this very point was put directly to her. I hope that she will feel able to accept the amendment, so that ministers consult those who have already done a great deal of work in this regard.

**Roseanna Cunningham:** The decision on whether a compulsory competence system should be introduced, and on what form it should take, is ultimately one for ministers rather than anyone else. However, it is important that there is industry input into the process. Therefore, I support amendment 13.

Whether ministers ever get to the point of considering compulsory competence is very much in the hands of those organisations that wrote to me, offering to further competence on a voluntary basis. I understand that they have conducted

discussions with organisations such as Lantra, which is a positive step. I am happy to endorse Mike Rumbles's comments regarding stakeholder involvement and the work that they have done.

Any compulsory system should be based on existing qualifications and should include a practical element. There should be a system of recognition for equivalent foreign qualifications. I see no point in reinventing the wheel. Uptake is the key issue. I very much look forward to seeing the industry make good progress.

**John Scott:** The game and wildlife management industry group of the sector skills council—Lantra—has responsibility for improving national occupational standards. There is serious concern that the process of setting standards that cover all necessary skills and of developing vocational qualifications that are appropriate to employers' needs could be undermined if the regulations were made and criteria for competence were determined solely by SNH. I welcome the support from Mike Rumbles and the Liberals and from the minister.

*Amendment 13 agreed to.*

### **After section 26B**

**The Deputy Presiding Officer:** Group 14 is on deer injured by motor vehicles. Amendment 59, in the name of Jamie McGrigor, is the only amendment in the group.

**Jamie McGrigor:** Anyone who regularly drives through areas such as Glen Coe often sees the carcasses of deer by the side of the road. That is the case elsewhere in the north of Scotland. I have no doubt that the flashing warning signs that were recently installed in Glen Coe following lobbying by me and others have reduced the number of such collisions. However, accidents involving red deer remain too frequent.

It has been my distressing experience on occasion to come across deer that are badly wounded and obviously in great pain as a result of being hit by vehicles and left to die. I am concerned that many people are not aware of what to do if they hit a deer and cripple it or if they find a deer in the circumstances that I have described. I am grateful to the retired Dalmally policeman Christopher Gillespie for giving me his experience on the issue. He found that people would bring wounded deer to him at the police station. He informed me of something called the SHAMPOG pool that is taught at the Scottish Police College at Tulliallan. SHAMPOG stands for sheep, horses, asses, mules, pigs, ox and goats. People must report to the police any accident involving an animal on that list, but it does not include deer.

That adds to my theory that wounded deer are left lying in pain at the side of the road. In my view, that situation should be changed. The answer is clearly a matter of education. I therefore urge SNH to look into the matter and to address what is undoubtedly a gap in the code of good practice regarding deer welfare. Amendment 59 seeks to clarify in the bill that SNH can take measures to ensure that drivers are made aware of whom to contact following a collision with a deer. I commend it to members.

I move amendment 59.

**Roseanna Cunningham:** I share Jamie McGrigor's concern about the increase in road accidents involving deer, particularly as deer come down from the hills and are more in and about urban areas. We have touched on the issue in the bill, which requires SNH to take account of public safety in exercising its deer functions, and that includes the issue that Jamie McGrigor raises. I reassure him that there is SNH best practice on the humane dispatch of deer, including following a vehicle collision. In most cases, the advice is to call the police. Irrespective of whether people are aware of the advice, I hope that any motorist or their passenger who is faced with such a situation would do just that. It is difficult to see what else one could expect the average motorist or their passenger to do, given that most people do not have veterinary experience, which is really the only other thing that might be helpful.

Therefore, although I share Jamie McGrigor's sentiment, I do not think that amendment 59 would further the issue in any practical way, so I do not support it. However, I recognise the concern that is being expressed and share it.

**Jamie McGrigor:** The minister might consider the possibility of getting deer added to the SHAMPOG pool, which I explained earlier. However, on the strength of what she has said, I am prepared to accept that something will be done about the issue, so I seek to withdraw the amendment.

*Amendment 59, by agreement, withdrawn.*

## Section 27—Protection of badgers

*Amendment 36 moved—[Elaine Murray]—and agreed to.*

### After section 28A

**The Deputy Presiding Officer:** Group 15 is on biodiversity duty and strategy. Amendment 37, in the name of Robin Harper, is grouped with amendment 60.

**Robin Harper:** The United Nations Convention on Biological Diversity was agreed at Rio de Janeiro in 1992. In 2004, Scotland's commitment

to such objectives was made in the Nature Conservation (Scotland) Act 2004, which introduced a general biodiversity duty and the concept of a biodiversity strategy to co-ordinate Government and public sector work towards the common goals.

Unfortunately, Scotland failed to meet its biodiversity targets for 2010. It is widely felt that part of the reason for that was foreseen in 2004, when Roseanna Cunningham said:

"I still have some concerns that the bill as drafted"

—that is, the 2004 act—

"basically requires a strategy to be designated and requires some reporting, yet does not actually require any actions to be taken."—[*Official Report, Environment and Rural Development Committee*, 28 January 2004; c 655.]

That remains a key criticism of the strategy: it is a vision without actions.

The objective of amendment 37 is to ensure that future biodiversity strategies require future Governments to be honest about what they will do for biodiversity through mainstream policies. It would ensure that the strategy sets out objectives and—more important—what our various key Government departments, policies and measures would contribute to achieving those objectives.

It seems so fundamental to me that I am not sure how anyone can call a document that is missing such elements a strategy. I very much hope that the minister will take this opportunity to put right the deficiency that she herself saw in the 2004 act and strengthen the statutory basis for Scotland's biodiversity process.

I move amendment 37.

**Peter Peacock:** I support Robin Harper's amendment. Amendment 60, in my name, is on reporting against our biodiversity obligations, which was debated fully at stage 2.

The minister indicated at stage 2 that she would work with me to try to agree on an amendment at stage 3 to cover the point, which resulted in amendment 60. It is quite technical in nature, but given that it was e-mailed to me from the minister's office, I hope that she will not find any technical flaws in it.

**Liam McArthur:** Robin Harper quite rightly drew attention to Scotland's failure to meet its biodiversity targets. I think that he would agree that Scotland is not unique in that respect, as it is an accusation that can be levelled at many member states.

The risk all along has been that the bill would be open to having all manner of different issues hung on it. There were certainly early efforts to try to backfill a narrative into the legislation.



I have a great deal of sympathy for much of what Robin Harper has suggested. The work on that will certainly continue and should be progressed with a degree of urgency after May, by the next Government and Parliament, but I am not entirely sure that it is appropriate in the context of this bill.

Peter Peacock's amendment on reports is probably something that we can agree to, to move the agenda forward, pending more significant and substantive action in the next parliamentary session.

**Roseanna Cunningham:** The biodiversity strategy could no doubt be improved but, as I pointed out in the stage 2 discussions, the strategy in its current form already touches on the issues that Robin Harper's amendment proposes to list in statute. Listing specific policy areas that the strategy must cover risks compartmentalising biodiversity to those areas. The UN Convention on Biological Diversity was revised in Nagoya in October last year and now emphasises the need to mainstream biodiversity across Government policy. We should all support mainstreaming, but I doubt that amendment 37 is the way to achieve it.

Setting out such requirements in the strategy will be a bureaucratic process. It will find itself quickly out of date, and it is not where we can best focus our efforts. To mainstream biodiversity successfully, different areas across the public sector must actively consider how biodiversity impacts on their policy and how they impact on biodiversity. Effort spent aligning policy documents in a perpetual cycle will be of limited benefit at best and a bureaucratic exercise at worst. For those reasons, I do not support amendment 37.

16:00

I turn to amendment 60, in the name of Peter Peacock. I note his acknowledgement of the Government's generosity in this entire process. I recognise that Audit Scotland and others have rightly identified the lack of a reporting requirement in the biodiversity duty as a significant weakness. Of course, the benefit of introducing a reporting requirement to the duty has to be balanced against the negative impact of adding bureaucratic burdens such as that proposed in amendment 37, particularly in the current financial climate. By allowing public bodies to use existing reporting structures, I am pleased that amendment 60 strikes the right balance and will encourage public bodies to mainstream actions for biodiversity within their activities, which really ought to satisfy what Robin Harper is trying to achieve. For that reason, I am able to support amendment 60, which might not come as an enormous surprise to anybody.

**Robin Harper:** The intention of amendment 37, which I would have thought was obvious, is to ensure that, across the board, Government departments raise their heads above the silos and talk to each other about biodiversity strategy—quite the opposite to the compartmentalisation that the minister suggested would result from my amendment. I will press amendment 37.

**The Deputy Presiding Officer:** The question is, that amendment 37 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**Against**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)

Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)

Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 46, Against 75, Abstentions 0.

*Amendment 37 disagreed to.*

*Amendment 60 moved—[Peter Peacock].*

**The Deputy Presiding Officer:** The question is, that amendment 60 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)

Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### Against

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)

Smith, Elizabeth (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 106, Against 16, Abstentions 0.

*Amendment 60 agreed to.*

#### Section 35—Commencement and short title

*Amendment 38 moved—[Roseanna Cunningham]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

## Motion without Notice

16:05

**The Deputy Presiding Officer (Alasdair Morgan):** At this point I would be prepared to take a motion without notice from Bruce Crawford to bring forward decision time tonight to 7 o'clock.

**The Minister for Parliamentary Business (Bruce Crawford):** I am delighted to move,

That under rule 11.2.4 of Standing Orders, Decision Time will be taken at 7 pm.—[*Bruce Crawford.*]

*Motion agreed to.*

**The Deputy Presiding Officer:** Members should leave the chamber as quickly as possible, because the timing for the rest of today's events is now quite tight.

## Wildlife and Natural Environment (Scotland) Bill

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-8020, in the name of Roseanna Cunningham, on the Wildlife and Natural Environment (Scotland) Bill.

16:05

**The Minister for the Environment and Climate Change (Roseanna Cunningham):** I am pleased to open the debate on the Wildlife and Natural Environment (Scotland) Bill. I thank the Rural Affairs and Environment Committee for its close scrutiny of the bill and its excavation of complex issues, in which it navigated what was often conflicting evidence. At the end of the legislative process, a great many people must be thanked. They include the Finance Committee and the Subordinate Legislation Committee, which contributed to the lead committee's scrutiny. Stakeholders' significant contribution to the bill should also be noted. A wide range of people have invested much time. We should acknowledge that we in the Parliament demand that of people throughout civic Scotland.

The key word in the debate is balance. The Government has tried to produce a bill that maintains a fair and reasonable balance between the sometimes conflicting demands of a wide range of interests, some of which diametrically oppose one another. In the course of the bill process, I feared that some suggestions and amendments would upset that balance. However, I am happy to say that the Parliament took a constructive approach to the issues and conflicts that were before us. I hope that we can all agree that, although the bill will not satisfy all the interests all the time, it will nevertheless satisfy most interests most of the time. That is an achievement in itself.

From the outset of the original consultation to the lobbying e-mails, letters, persuasive press releases and briefings that have been received in the past few days, views have been expressed strongly. However, some subjects in the bill had barely a mention in the stage 3 proceedings, because consensus was reached much earlier. I will mention one or two of those issues for completeness.

The bill will deliver a framework for dealing with invasive non-native species that leads the way in implementing the internationally recognised approach. Invasive non-native species are identified by the millennium ecosystem assessment as one of the most important direct drivers of biodiversity loss and ecosystem service

changes. That damage can also be measured by the significant negative impacts on economic interests of invasive non-native species, which cost Scotland an estimated £245 million every year.

I am aware of how important the Parliament considers the code on invasive non-native species to be. The early draft that was provided to the Rural Affairs and Environment Committee has benefited from informal comment and I will issue a public consultation on the code in the next few weeks.

Wildlife crime has loomed over many debates. The scrutiny of the bill sends the message that we are not prepared to tolerate continued persecution of our magnificent birds of prey. I say to those who question whether the problem persists that they should look at the facts. Despite sensationalist pronouncements on one side and almost denialist pronouncements on the other, we know that we continue to find birds poisoned in our countryside. As I have said before, that is a wholly unacceptable state of affairs.

It should now be clear to those who might have doubted us or to those who thought that they could call our bluff that the Government is prepared to act to introduce new measures to combat wildlife crime. If the motion to pass the bill is agreed to, we will press ahead to work with land managers to produce guidance on the new vicarious liability offences, to ensure that everyone has the advice that they need before the planned commencement of provisions this autumn. In looking to the future, we should all hope for an end to the behaviour of the unscrupulous minority who repeatedly tarnish the reputation of the majority of responsible estates in Scotland.

I will touch on an issue that emerged too late to be considered in relation to the bill. Some members will be aware that amendments were sought to protect the Scottish wildcat but could not be developed without proper consideration and consultation. Those who know me will know that I have a great attachment to and fondness for our wildcats, so I am pleased to advise members that the Cairngorms wildcat project will continue to work with estates to benefit wildcats and will work to reduce hybridisation in the coming year. Scottish Natural Heritage has confirmed £30,000 of funding for that under the species action framework. I hope that people who are as concerned as I am about the future of that iconic species will be glad of that. I look forward to the debate.

I move,

That the Parliament agrees that the Wildlife and Natural Environment (Scotland) Bill be passed.

**The Deputy Presiding Officer:** I call the Cabinet Secretary for Rural Affairs and the Environment, Richard Lochhead.

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** For the purposes of rule 9.11 of the standing orders, I wish to advise the Parliament that Her Majesty, having been informed of the purport of the Wildlife and Natural Environment (Scotland) Bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

**The Deputy Presiding Officer:** I am obliged, Mr Lochhead.

16:10

**Sarah Boyack (Edinburgh Central) (Lab):** For a second, I thought that an extra Government speech had appeared in the debate.

Labour is very happy to support the bill, but we believe that it could have been better. The bill tidied up rather than took the chance to start with principles and look at what was needed to put them in place. We tried to work constructively with colleagues. Although we have not always agreed with each other, particularly on some of our amendments today, my colleagues on the Rural Affairs and Environment Committee worked hard with colleagues across the chamber to strengthen the original bill. As Roseanna Cunningham said, the Parliament worked with communities, businesses, estates and environmental and animal welfare organisations to try to do what was possible to strengthen the bill. A lot of welcome changes have been made.

I am disappointed that Labour did not get the agreement of other parties across the chamber on the principle of banning snaring. The issue is controversial, but on this side of the chamber, snaring remains a cruel practice, even with the improvements that we have negotiated and legislated on over the previous two sessions of the Parliament. There are still too many instances where even those provisions are ignored. Irene Oldfather and Elaine Murray referred to the evidence. Animals suffer; we know that from the science and research. Snares are indiscriminate; pets still get caught in them.

**Liam McArthur (Orkney) (LD):** What the member says comes as news to me and possibly to other members of the Rural Affairs and Environment Committee. During stage 1, and even stage 2, none of the committee members of a Labour persuasion pressed for an outright ban on snaring.

**Sarah Boyack:** They pressed consistently for restrictions on snaring. You see that in the evidence. We were always of the view that it would be very difficult to get a majority on a full ban on snaring. The work that Elaine Murray, Peter Peacock and Karen Gillon did was to try to push the agenda on as far as we could. We were keen to support proposals that other colleagues put at committee and in the chamber today, but we remain convinced that snaring—as currently practised in this country—is not required. We need only look at other countries where snaring does not take place routinely. There are alternatives not only abroad, but in Scotland.

We worked very constructively. The great irony is that a petition to ban snaring that is live in the Parliament was not made a formal part of the process. I say to Mr McArthur that, given the live nature of the petition, our expectation was that it would be discussed in the context of the bill—that was the natural place in which to discuss it—and we remain disappointed that that did not happen. We are particularly disappointed that we could not go further than the minister's initial offer on the review period, which is the parliamentary equivalent of kicking the issue into touch—into never-never land. Progressive Parliaments have changed legislation; they have changed the ground rules on snaring. I give a commitment today: Labour considers a ban on snaring as unfinished business. We will return to the issue in the next parliamentary session.

We are disappointed that other amendments were not agreed to today. I refer in particular to amendments that Peter Peacock lodged in relation to action on the persecution of wild birds, particularly raptors. We know that those birds are under pressure from illegal killing. Just this morning, a drop in the number of hen harriers was mentioned. There remain concerns about the potentially weakened protection for species such as pine martens and red squirrels. Those concerns should not be ignored. I am keen to ask the minister to set out in her closing speech the further steps that she will take on promoting action on wildlife crime.

We welcome the general provisions on vicarious liability and we are glad that they have remained in the bill. Again, we know that this is a complex issue. It is important to ensure that estate owners take responsibility for what happens on their estates. This area is a classic case of the actions of a few impacting on everyone else. I put on record the welcome hard work that estates in many parts of Scotland have carried out. There remains a problem in certain areas. We should send out the key message: accountability needs to be strengthened.

We welcome today's discussion; in particular I focus on the amendments on species licensing, deer and biodiversity. Again, the issues are controversial. A clear lead from the Parliament on its priorities is important. I mention in particular the need for a stronger commitment on sustainable deer management. It would have been good to have had that in the bill.

I will finish on the subject of biodiversity. We know that we have not met our targets for 2010, and the amendments proposed by Peter Peacock and Robin Harper both aimed to strengthen our chances of protecting our rich biodiversity. It will not survive without our help. We impact on biodiversity in the legislation that we pass, the Scottish Government's moves to give a lead and local government's day-to-day planning decisions. As we pass the bill, we will work strongly and constructively to ensure that its good provisions are implemented, but I wish that we had gone further, particularly on animal welfare and support for the protection of biodiversity. Biodiversity is the basis of our economy, tourism and quality of life, and it would have been good to see more done today.

Notwithstanding those comments, I think that there are strong and constructive elements in the bill. For that reason, we will support it at stage 3.

**The Deputy Presiding Officer:** I call John Scott, who has four minutes.

16:15

**John Scott (Ayr) (Con):** I begin by thanking all those who have contributed to the development of the bill and by declaring an interest as a farmer, which I should have done earlier.

To all those who responded to the consultations, to those who provided expert evidence and advice, and to all the lobbying organisations, whatever their point of view, I say a huge thank you. I say a huge thank you, too, to the clerks to our committee, to Tom Edwards from the Scottish Parliament information centre, to the bill team and of course to colleagues on the committee, with whom the bill has been much debated and argued over, for what from my perspective has been the largely good-natured way in which the work and effort has been carried out by all involved. I also thank the minister, particularly for her sympathetic consideration of my amendments.

Today we will pass into law the WANE bill, which is in essence a tidying-up bill. By and large, the bill is welcome and much needed, amending most notably the Wildlife and Countryside Act 1981, the Deer (Scotland) Act 1996, the Protection of Badgers Act 1992 and the Hill Farming Act 1946. In addition, it repeals 18<sup>th</sup> and 19<sup>th</sup> century game acts, so its scope is wide ranging.

There is one key element of the bill with which I disagree: the introduction of vicarious liability in part 2. Although I understand and agree with the minister's motives for introducing vicarious liability—namely, the need to stop raptor persecution—I do not believe that that is the correct way of resolving the problem, especially as it introduces the concept that an individual is assumed to be guilty of a crime or crimes of another individual unless and until he or she can prove him or herself innocent. Notwithstanding the defences offered in the bill, I believe that to be a disproportionate response to the crime of raptor persecution.

However, we are where we are. I look forward to guidance being issued this autumn, before that part of the bill is commenced, and I hope that all those who are directly involved and affected by it will be fully consulted. Perhaps the minister might give us her views on that, particularly on who will be consulted, in her closing remarks.

On a more positive note, I welcome the retention of snaring as a useful tool in the box for the control of foxes, although like Liam McArthur I am somewhat surprised at the apparent divergence of views between—*[Interruption.]*—on the Labour front benches. I also agree with others that more needs to be done to ensure that snares continue to be developed into an easily monitored restraining device, and I welcome the adoption of Bill Wilson's amendment to ensure quinquennial reviews of snaring.

Forgive me, I meant to refer to the divergence of views on the Labour front bench between Sarah Boyack and her colleagues in the Rural Affairs and Environment Committee. I was having a senior moment. *[Laughter.]*

Turning now to the protection of hares, I believe that the Parliament has taken a valuable step forward by introducing a close season for brown and mountain hares, and I for one will be very interested to see what effect that has on hare numbers across Scotland.

With regard to deer management, I hope that we have struck the right balance in inviting SNH to introduce a code of practice on 1 September 2011—a code of practice that will be subject to the affirmative procedure and therefore widely consulted on. I ask the minister, notwithstanding her announcement today, whether that timetable is technically feasible given that, I suspect, the summer recess will not have ended by that date.

The rules on competency to shoot deer have been further tightened up, with an enabling power introduced to deal with the situation if voluntary training schemes are subsequently regarded as inadequate. That, too, is to be welcomed.

Finally, muirburning provision and practice has been altered for the better. A licence for burning out of season introduces a welcome flexibility, and that no burning under normal circumstances is to take place anywhere in Scotland after 30 April is, again, to be welcomed—

**The Deputy Presiding Officer:** The member must conclude.

**John Scott:** —particularly in the light of climate change and earlier nesting of ground-nesting birds.

Tonight we will support the bill's passage into law—

**The Deputy Presiding Officer:** I am sorry. We really have no latitude.

16:20

**Liam McArthur (Orkney) (LD):** In the limited time that is available, I will offer a few observations on the bill and the process that we are bringing to a close. I start by again putting on the record my thanks to the committee clerks, Scottish Parliament information centre staff and other staff who helped us to get to this point, and my thanks to the wide range of individuals, businesses and organisations who gave evidence and provided briefings. It was not always easy to navigate a sensible and workable way through evidence that was often conflicting, but our work would have been immeasurably more difficult if we had been unable to draw on the advice and expertise of stakeholders.

The bill is worth while. It tidies up anomalies and anachronisms and it confronts serious and substantive policy issues. Its importance is a reflection of the value that we attach to the activity that helps to create and sustain our biodiversity and that shapes the landscape and our typically Scottish natural environment. Of course, biodiversity is under threat and more needs to be done to protect it, but for now I am pleased that we have agreed a new reporting requirement, which is linked to existing biodiversity duties.

Whatever satisfaction we take from the bill that we are about to enact, we must pay heed to the advice of Sheriff Drummond, who said that the law in the area is complex, fragmented and difficult to find and that it is difficult to see the direction in which the law is going. That is not good for public understanding or, by extension, for compliance. I repeat the committee's view that consolidation will be needed before further amendments are made.

Let us consider the changes that we are introducing. Many people might think that we have not gone far enough on snaring, but I think that we have struck an appropriate balance and left the way open for further action, should it prove

necessary. Despite steps that have been taken in recent times to improve the design and placement of snares, abuses still occur, sometimes with disturbing consequences. However, on the balance of the evidence that the committee took, I am persuaded—as were all three Labour members of the committee—that the case was made for allowing snaring to continue, as one tool in the predator management box.

Further safeguards are being introduced, including better record keeping and improvements in training on animal welfare. There are also improvements in snare design and use, which must continue. The prospect of a review by the end of 2016 and subsequent rolling reviews will help to ensure that such improvements happen and will keep a focus on an area that will continue to arouse strong emotions. It is sad that the posturing and historical revisionism of Sarah Boyack and Elaine Murray this afternoon leave an unpleasant taste at the end of the process.

I repeat my condemnation of acts of wildlife crime. Despite efforts in recent years to tighten the law and increase resources, the problem persists and in some places it is getting worse. I am delighted that we have added to the armoury of the people who are tasked with combating wildlife crime. The introduction of vicarious liability is welcome, as are the changes to cause-or-permit provisions. Of course, obtaining sufficient proof will be a challenge. Nobody thinks that vicarious liability will be a silver bullet, but we have taken an important step.

All holiday leave for members of partnership for action against wildlife crime is likely to be cancelled as PAWS considers a range of issues. Some people will be frustrated, notably by the Parliament's unwillingness to adopt the amendments in Peter Peacock's name that would have introduced an approach of three strikes and you're out. However, we have sent a strong signal about the need for change. I suspect that if the Parliament has cause to return to the issue in future, such provisions will be the starting point for members and ministers.

We have struck an appropriate balance on deer management. I hope that some of the minister's comments today will reassure people who were concerned that back-stop powers would be used effectively where necessary in delivering the sustainable deer management that we all want.

I have enjoyed working on the bill, which rightly enjoys and is the product of a great deal of cross-party consensus. I am grateful to committee colleagues for the way in which they approached our collective task. We have worked together to produce a bill that is greatly improved and strikes a good balance between competing claims and demands. It will serve well our natural environment

and the people who do so much to help to sustain it. I will be pleased to add my support and that of my party to the bill at decision time.

16:24

**Maureen Watt (North East Scotland) (SNP):** For members of the Rural Affairs and Environment Committee, reaching this stage of the bill late this afternoon means that we see light at the end of the tunnel. It feels as though the process has been protracted, because of the sheer weight of evidence from various stakeholders and perhaps because of the need to debate amendments at stage 3 on issues that we dealt with at stage 2.

I thank the people who were involved in the work on the bill. The work of the clerks and SPICE went well beyond the call of duty. I thank everyone who contributed to the process.

Many articulated deeply and passionately held views. As I said in the stage 1 debate, it was difficult for members to decipher the true picture because of the sometimes exaggerated claims that were made.

There have been attempts to use the bill to do things that it was never intended to do. The intention behind the bill is to ensure that Scotland's wildlife and environment are managed successfully in future. It is not a vehicle for land reform or land tenure changes. The amendments that were agreed to at stage 2 and today will lead to a bill that is fit for the purpose for which it was originally intended.

I am pleased that the minister has readily taken on board many of the committee's recommendations, which we picked up as we went round the country. Examples of that are the catching-up and muirburn provisions, which provide sensible flexibility for work on the hills, taking into account the vagaries of the Scottish weather.

Many safeguards and reviews are also built into the bill, and I have no doubt that we will return to many aspects of it in the future. However, I hope that its various elements are given sufficient time to work before people seek to amend them. For example, I hope that gamekeepers, landowners and land managers do not take their foot off the gas in relation to training, and adhering to the code of practice, on snaring.

**Marilyn Livingstone (Kirkcaldy) (Lab):** Maureen Watt summed up the debate on banning snaring when she said "I hope that". For animal welfare's sake, I hope that it is more than a hope.

**Maureen Watt:** I am confident that, because it has had such an airing at all stages of the bill, the code of practice will be adhered to. Marilyn Livingstone does not live in the real world of the



rural economy if she does not realise that gamekeepers and other land managers are not the only ones who are involved in snaring. The code of practice on snaring will not help with illegal snaring anyway; that is a criminal matter and is one for the police.

Similarly, I hope that the estates vigorously pursue the wildlife estates initiative and that they all come on board. If they do not, I suspect that there will be moves to introduce further legislation—such moves would not be unreasonable if wildlife crime, for example, does not shift significantly.

All who are involved in our rural economy wish to manage it sustainably. That does not mean that it should be managed in the same way throughout Scotland. I hope that all involved allow diversity not only in wildlife but in the way in which our land is managed.

I look forward to the passage of the bill tonight.

16:28

**Peter Peacock (Highlands and Islands) (Lab):**

I thank the clerks and the bill team, whom I burdened considerably, given the size of the amendments that I lodged—although they also had a hand in that. I genuinely thank them for all their efforts in helping me.

I also thank RSPB Scotland, of which I am a member, the Scottish raptor study groups, which do remarkable work in helping our understanding of the condition of our raptors throughout Scotland, the Scottish Wildlife Trust and others who helped with the amendments that I proposed today.

The bill has made some good progress, although it has not gone as far as I would have liked. As Roseanna Cunningham rightly said, it is not only what is in the bill that is important, because there have been important policy clarifications along the way. Indeed, there were further clarifications today about the consultation on the powers of the Scottish Society for the Prevention of Cruelty to Animals, which I hope will happen in the not-too-distant future so that we can get the issue bottomed out properly.

I draw attention to the fact that, in the course of the bill's passage through the Parliament, we have clarified that its provisions will help to protect the native black bee on Colonsay and other islands. That is a significant and important development.

I welcome the vicarious liability provisions in the bill—I have said that many times throughout its passage—but I do not underestimate the difficulty that there will be in securing any convictions under them. I suspect that some of the estates that are involved in nefarious practices realise that difficulty

as well. They are the kind of clientele that can readily afford to get the best lawyers to defend them in the courts. I think that there will be big challenges on vicarious liability, but I genuinely hope that the provisions work. That is why I lodged amendments in that regard, and I am disappointed that they did not make the progress that I would have liked them to make. However, as Liam McArthur said, the amendments have—at least, I hope that they have—explored some territory and opened up future possibilities that we may have to come back to as we continue to monitor what is happening.

One important thing that has been developing is the science of understanding why territories are unoccupied by certain birds. I refer to a book that is being published this week—sadly, it is being published posthumously. It was started by Jeff Watson, who used to work for SNH and was a considerable expert on Scotland's golden eagles. I remember being in Harris with him many years ago. He pointed out an eagle that was soaring above us and, during a walk around the shoreline that evening, he talked about the problems of protecting raptors. He explained some of the basic science that was being explored then. I hope that those principles go much further in the scientific world, and that we develop our understanding, which is already quite sophisticated, so that it becomes far greater and enables us target our efforts increasingly around good scientific evidence on where things are clearly not right in certain parts of Scotland. I hope that that work continues in the spirit of Jeff Watson's scientific work.

**John Scott:** I will try to be brief; I apologise for using up Peter Peacock's time.

Is Peter Peacock aware of the feature known as intraguild predation, which involves superior predators preying on other predators? Hen harriers are preyed on by golden eagles. That is one well-known reason why hen harrier populations are not growing as they might.

**Peter Peacock:** But it is not the only reason—that is the point that I am trying to make. We need to develop the science further. I am talking about rigorous work that we ought to respect, but we also ought to encourage its further development so that we can use it as a tool to bear down on a problem that we all believe still exists.

Having said that, I think that we may have to come back to the issue of licensing estates at some future date. The more I have thought about that matter in our interesting journey through the issues, the more it seems that there is a simple solution. Every estate can be licensed. They can be given five years to sort things out; if they do not, they should not get a licence. That would focus people's minds wonderfully. The issue has

not gone away; it will come back. I hope that my colleagues who are on the front bench in future years will pursue it. If they do not, I will lobby them from outside the Parliament.

16:32

**Ian McKee (Lothians) (SNP):** One of the problems in considering Scotland's wildlife and natural environment, let alone legislating on it, is that there are so many potentially competing interests. The needs of hunting estates—of grouse shooters, for example—are very different from those of bird watchers and rambles. There are also the needs of our children and those yet unborn who deserve to enjoy all that Scotland has to offer in that respect. We are the guardians for the future, not the owners, of Scotland's rich natural heritage. The bill attempts to balance all those interests, and it largely does so.

I intend to concentrate on merely one or two aspects in this short speech. I turn first to wildlife crime. We all unite in condemning the poisoning of raptors, the stealing of eggs and other wildlife crimes, but such crimes still occur too frequently despite measures that have been taken in the past. As far as raptors are concerned, the suspicion arises that poisoning and shooting are often illegal efforts to preserve the stock of game birds—or even lambs, where eagles are concerned. However, it is difficult to attribute blame in specific instances, and those who get caught are often relatively lowly estate employees who may or may not have acted under orders. The vicarious liability provisions in the bill are a welcome step forward in that respect, although I suspect that still more needs to be done. I hope that the subject will receive further attention in the next parliamentary session.

On deer management, there is another potential conflict of interest between the owners and managers of shooting estates on one side and those who can loosely be called environmentalists on the other side, although I think that the perceived differences are often magnified. Deer have no natural predators in Scotland apart from man, and it is vital that their numbers are regulated, as in meeting their dietary needs, large numbers of deer can cause severe damage to natural habitats and protected areas. Moreover, overpopulation causes extreme food shortages, with consequent malnutrition and a form of animal cruelty that is caused by neglect. Culls are needed, but they should be carried out according to carefully formulated deer management plans. I welcome the power that the bill gives the Scottish Government to introduce a competence requirement for deer stalking, should a voluntary approach and self-regulation fail.

Finally, a more determined effort to combat non-native invasive species of plants such as Japanese knotweed, which seems to be spreading all over our country, is to be welcomed.

In summary, we are taking another significant step forward in the wise management of our envied rich natural heritage, but I am sure that there is much more to be done. Perhaps we will see further legislation in the next session.

I commend the bill to members.

16:34

**Marilyn Livingstone (Kirkcaldy) (Lab):** I am pleased to contribute to the debate and to outline the importance of the Wildlife and Natural Environment (Scotland) Bill, which gave us the opportunity to ban snaring of Scotland's wildlife. Significantly, there is a difference between the protection that the law offers pets and livestock and the protection that it offers wild animals. The bill provided the opportunity to narrow that gap and to offer wider and greater protection from actions such as attempts at pest control through the use of snares.

I believe that the bill represents a missed opportunity. We have moved forward, but we needed to take a major step forward on animal welfare. Snares inflict immense physical and mental suffering on animals. Their vigorous attempts to escape can lead to kinking of the snare wire and can change a free-running snare to a self-locking one. Animal charities such as OneKind and the League Against Cruel Sports describe how animals that have been caught in snares are often strangled and choked, with injuries from the wire including evisceration and amputation.

In addition, there is extensive evidence of the indiscriminate nature of snaring. In 2006, an SSPCA report on snaring showed that of the 269 animals that were reported as having been caught in snares, which ranged from badgers and deer to pets such as cats, only 23 per cent were considered to be pests. The report of the independent working group on snaring said that the proportion of non-target animals that were caught in snares was as high as 69 per cent.

Although I believe that most landowners in Scotland are responsible in their pest control measures, there is no firm evidence of the need for snaring or that a ban on snaring would significantly impact on Scottish agriculture. A cost benefit analysis that was conducted by OneKind suggests that, as a general rule, resources could be better focused and that a lot of money that is spent on culling wildlife should be redirected to long-term measures to reduce the impact of wildlife on agriculture.

That is why I lodged an amendment to the bill at stage 2 that sought to ban the use of any snare. I withdrew it because I believed that the continued use of snares needed to be debated and voted on by the full Parliament. As we have seen, the Scottish Government has resisted such calls for a ban, insisting that snaring is vital to the rural economy, although no figures have been produced to support that argument. A member of the Government's party said that I do not live in the real world. My opinion is simply different from hers, and I think that that remark was probably uncalled for.

Evidence that has been gathered by animal activist charities indicates that the new regulations on the use of snares that will be introduced by the Scottish Government under the bill are not sufficient and will not prevent thousands of animals from suffering. A recent poll commissioned by OneKind shows that 77 per cent of people in Scotland—and 75 per cent of people in rural constituencies—think that snaring should be illegal, and a joint survey that OneKind carried out with the League Against Cruel Sports found that 75 per cent of vets are opposed to snaring. We have all had Valentine's day messages from our constituents supporting a ban on the use of snares.

The Scottish Parliament had an opportunity and, I believe, a responsibility to represent the views of the people of Scotland by voting to ban snaring and to protect Scotland's wildlife. Like my Labour colleagues, I am happy to support the bill, but I would have liked it to go much further on animal welfare. I believe that we will come back to the issue when Scotland's Government changes in May. We on this side of the chamber will bring forward the measures that are needed to protect Scotland's wildlife and to act in line with 10 of our European colleagues.

16:38

**Robin Harper (Lothians) (Green):** I thank the Rural Affairs and Environment Committee for all its hard work on the bill, which is a welcome measure. It will improve and modernise a range of statutes on wildlife and the natural environment, especially as they relate to game species, wildlife crime and invasive non-native species.

On snaring in particular, it is a great disappointment to us that, again, the Parliament did not see fit to ban the practice outright, but that issue will keep with us. The bill makes some modest but insufficient improvements on deer management. Despite its inadequacies, we will support the bill at decision time.

I will address what I think is a more significant inadequacy. Neither the bill nor, as the response

to my amendments made clear, Government policy has a clear enough vision for Scotland's wildlife and our natural environment or, more important, for how the Government's vision will be delivered.

A land that is rich in wildlife is one whose social and economic development is truly sustainable. The loss of biodiversity is a symptom of unsustainable lifestyles and, like addressing climate change, conserving biodiversity by protecting and enhancing the natural environment cannot be achieved in isolation.

To reduce our carbon emissions, we must address planning, transport, energy and land use policies. The same and more applies to biodiversity. Indeed, some policies, such as the expansion of native woodlands through more sustainable deer management, or restoring peatlands, can contribute to achieving both climate change and biodiversity objectives. Although the bill makes welcome and incremental improvements to a range of statutes that affect wildlife and the natural environment, it fails to address the strategic issue.

Nothing in the bill will specifically discourage the Government from overturning the protection of sites of special scientific interest for a golf course, a coal-fired power station or an opencast coal mine. Nothing in the bill will specifically require the Government to embrace common agricultural policy reform and improved agri-environment schemes in order to encourage farmers and crofters to adopt more sustainable land management practices, or to ensure that native woodlands are protected and well managed and that woodland expansion is focused on native trees in the right place.

A range of Government policies suggest that those are the Government's objectives but, from our failure to meet the 2010 biodiversity target, we know that the objectives are not delivering the outcomes. They are no more than aspirations. We need to turn good intentions into real delivery. A real and overarching purpose for the bill might have made a difference, as was incorporated in my very modest suggestion in amendment 28. Addressing overriding, cross-Government issues was the objective behind my amendment, and I am disappointed that it was not agreed to. I ask the minister to indicate in her summing up how the Government intends to ensure that the fine intentions behind the bill and the 2010 biodiversity target will be achieved without the entirely sensible details that I tried to insert into the bill.

After May, if the Green party is in a position to do so, those are among the issues that we will seek to address. If we are not in that position, I, like Peter Peacock, shall have to haunt the Parliament from beyond dissolution.

16:42

**Irene Oldfather (Cunninghame South) (Lab):** I begin by thanking OneKind and the League Against Cruel Sports for their assistance in drafting my amendment to ban snaring and for their work throughout the parliamentary session to support parliamentarians across the political spectrum on animal welfare issues.

I also thank my colleague, Marilyn Livingstone, for all her work to lodge my amendment at stage 2 when I was unable to do so. I thank colleagues on the committee for the efforts that they have made to improve the bill throughout the process.

I cannot deny that I am disappointed that my amendment to create an outright ban on snaring was not supported by the majority of members in the chamber. Even if a gamekeeper inspects a snare every two hours, he cannot absolutely eliminate the possibility of serious animal suffering. Despite the aim of improving the way in which snares are used, I am concerned that the complexity of the regulations will continue to work against effective implementation.

On the subject of enforcement, snares will be tagged with numbers to allow authorities to identify who is responsible for setting them, but when breaches occur, investigation after the event cannot prevent the suffering and death of animals. Only an end to snaring can do that. Like others, I look forward to returning to the matter in a future parliamentary session when, I hope, the voice of Scotland's people will be heard.

I will try to end on a positive note. Improvements in record-keeping and annual reporting on wildlife crime through monitoring, reviewing, training and enforcement will be crucial. The chamber has sent a key message today that wildlife crime will be viewed just as seriously as any other crime, and that action will be taken when breaches occur.

Animal welfare organisations also consider that the improvement of the animal welfare content of training schemes is crucial. I hope that the minister will consider developing that element further.

On the basis of what I have said, I will support the passage of the bill tonight, but I reserve the right to return to the issue during the next parliamentary session, under, I hope, a Government that has a more positive attitude to banning snaring.

16:44

**Jim Hume (South of Scotland) (LD):** I welcome the chance to sum up for the Liberal Democrats in this stage 3 debate on the Wildlife and Natural Environment (Scotland) Bill. As a Liberal Democrat with rural interests, which I declare, I, like other members, am completely

opposed to any crime—but I am opposed to wildlife crime in particular. There is simply no space for it in a modern, civilised society. However, as with all crimes, it is all well and good having laws but proof is needed if those laws are to have any effect. Finding proof is not easy in any situation, but it is particularly difficult in a rural situation.

Many different issues have been raised at various stages of the bill. In certain of his amendments, Peter Peacock attempted to suggest that suspicion was enough to take away the rights of individuals and organisations. I doubt whether such an approach would have been legally competent; indeed, it could well have been abused. Of course, it would have affected not only large estates but any land user, including crofters.

**Peter Peacock:** Does Mr Hume realise that under current cross-compliance rules agricultural support can be removed on similar evidence?

**Jim Hume:** I am well aware of that. However, the proposals would have applied not to people who get subsidies but to all land users. After all, cross-compliance rules apply only to people who receive single farm payments and the like.

Although it was not moved in the end, the amendment that proposed giving a constable's powers to other persons would have had a negative effect. Wildlife crimes are difficult enough to prove in court and the police receive many years of training to ensure that their evidence is sound before there is any attempt to prosecute. It is not a competency for a lay person, and police forces alone, whether or not we are talking about special constables, should continue to have those powers. Of course, police forces—of which I hope there will be many left after the next election—continue to invest in wildlife crime officers; indeed, perhaps tackling wildlife crime should be retained as part of police training.

We have had to strike a balance. For a start, we need to remember the importance of rural sports to rural economies. Many country hotels, bed and breakfasts and so on would not have enough trade, especially at winter time, if they did not have their regular fishers and shooters. Of course, it all helps the broader tourism industry. Moreover, 80 per cent of woodland in the Borders is at some stage used for country sports and many woods and copses are managed solely for such purposes, which, along with the feeding of released birds in the open, obviously benefits the wider wildlife community.

The provisions on vicarious liability have concerned many—indeed, they still concern the Conservatives—but have gained further support. As Roseanna Cunningham suggested, they should be implemented methodically, giving

organisations time to implement the changes in their work practices.

The bill is not just about wildlife crime. It deals with protection for brown hares as well as white hares, which are of course blue in the summer. They do not breed in the same way as rabbits, which hide away in burrows, and I welcome the fact that they will be protected during their breeding season.

The bill also introduces improvements to deer management in Scotland. Issues surrounding deer are complex; we have our indigenous reds and roes and I believe that Jamie McGrigor mentioned the monarch of the glen—or perhaps it was the mongrel of the glen. There are also non-native sikas and the like that can damage the environment, including mature trees.

This important bill shows that the Parliament is concerned about the Scottish environment and listens to the many interests that understand not only the broader Scottish economy but the fact that we have to strike a balance between the two aspects. We are united in opposition—

**The Deputy Presiding Officer:** I am afraid to say that the member's time is up.

**Jim Hume:** —to any wildlife crime and I look forward to its eradication from Scotland. If unsuccessful—

**The Deputy Presiding Officer:** The member's time is up.

16:49

**Jamie McGrigor (Highlands and Islands) (Con):** As I said in the stage 1 debate,

“It is vital that we get the bill right for those men and women who work in the hills and glens and keep them well managed”.—[*Official Report*, 2 December 2010; c 31244.]

After all, the bill will impact on land managers and estates throughout Scotland, and I am always incredibly conscious of the socioeconomic importance of the country sports industry, especially in fragile remote and rural areas. Although the parliamentary process has improved the bill in many ways, some concerns definitely remain and, given that much of the media coverage of the bill has focused on wildlife crime, I want to use this opportunity to bring some balance and proportionality to the debate.

I believe that everyone in the Parliament deplores wildlife crime of every kind and supports strong action against it. The vast majority of landowners and land managers deplore it, too. We should not forget that we are talking about a very small number of culprits. We must be aware that the vast majority of Scotland's sporting estates are among the best managed and often most

conservation friendly in Europe—and, indeed, further afield.

I agree with the Scottish Rural Property and Business Association and the Game and Wildlife Conservation Trust Scotland that peer pressure is likely to have a greater effect than overburdensome statutory intervention. That is one reason why the Scottish Conservatives were the only party to oppose the vicarious liability provisions at stage 2, and we make no apology for doing that. Nonetheless, as John Scott said, we are where we are. Can the minister give detailed timescales on the commencement of that part of the bill? Is it correct that it will not be commenced for six months, to allow the Government to draw up guidance, and that organisations such as the SRPBA and the GWCTS will be involved in that process? I would be grateful if the minister could put that information on the record. Also, what defence does a landowner have against being framed or stitched up by people who are intent on doing them down by placing poisoned baits on their land? How can they prove their innocence?

During stages 1 and 2, it was clearly demonstrated that the snaring of foxes is vital in allowing land managers to protect livestock and maximise biodiversity. Snaring, with the strict regulation that is placed on it, is a key tool for many farmers, crofters and land managers in my region of the Highlands and Islands. Anybody who has witnessed the bloody, distressing and savage results of Mr Fox's visits to a chicken run, a lambing park or a pheasant pen would probably be shocked into realising the necessity of snares as a preventive tool.

The Scottish Conservatives were pleased to amend the bill successfully at stages 2 and 3. We welcome large parts of the bill, including the modernisation of game law and the regulation of non-native species, and I thank the minister for supporting my amendments. As I indicated, however, we remain concerned that the Government has pushed ahead in some areas—notably on vicarious liability—without the support of key countryside stakeholders. We are content for the bill as a whole to pass at stage 3 but ask that ministers work as closely and positively as possible with all the countryside interests in the most co-operative manner as the bill's provisions are enacted.

I close by saying how good the committee was, as were the people who made contributions to the debates.

16:52

**Elaine Murray (Dumfries) (Lab):** I will first touch on snaring. As I said earlier, an outright ban has been Labour Party policy for a number of

years. The opinions that have been expressed by Sarah Boyack, Irene Oldfather and Marilyn Livingstone are the views of the Labour Party, Labour members and the Labour conference.

This may take Liam McArthur slightly by surprise, but when I go into committee I take off my party hat and I listen to the evidence. To me, no evidence was presented to the committee that proved totally that there should be an outright ban; therefore, it was not possible to argue for that as a committee, as we had not heard the evidence for it. The one thing that really troubled me is the fact that there are perhaps circumstances in which no other form of control can be used. That was the background to my amendments.

**Liam McArthur:** Will Elaine Murray give way?

**Elaine Murray:** No. I am sorry, but I have only about four minutes and I cannot take any interventions.

There might be occasions on which no other form of control is possible, so I sought to tighten up the regulation while the evidence was accumulated. I also wanted a review in every session of Parliament, not after one year. The regulations are already in place and we have evidence, so let us collect the evidence. Let us also not allow people who have been convicted of an offence—we are not talking about licensing, but about people who have been convicted of an offence in using a snare—to continue using snares. That is wrong. The matter was not pointed out to me until stage 3, by the bill team, which is why I did not raise it before.

I do not have a problem with having a slightly different view in committee. I just want to see the evidence and have a bit more time to think about it before we make a decision. That may be a boring way of doing things that I learned during my training—I am not sure—but I would like to see the evidence first and I do not have a problem with that.

On wildlife crime, I must say that I am not anti-shooting, and I am not going to argue that shooting has no place in the Scottish economy; I agree that it contributes significantly to the Scottish economy. However, we must be clear that wildlife tourism also contributes significantly to it. As the minister said, there must therefore be balance. Wildlife tourism is growing. In Galloway, for example, the red kite trail is assessed as having contributed some £21 million to the local economy over six years. It is necessary to preserve that part of the economy as well as the other.

I welcome the fact that the minister introduced vicarious liability at stage 2. As I said at that time, I thought that it was brave of the minister to do that.

However, we have to accept that it might be difficult to secure convictions.

Earlier, John Scott talked about raptors predated each other. I do not think that that is why there are not many hen harriers around, because there are not many golden eagles around either. Something man-made is happening to raptors. I know of estates near me where peregrine falcons are not breeding—a breeding pair appears, but the female disappears and there are no chicks. Something that is not right is going on.

When I was a small child, I used to think that buzzards were an American bird. I had never seen a buzzard, and thought that they did not exist in Britain. Now, I like seeing them, because they are a native species. Over many years, we did a lot of damage to our wildlife and our native species. We need to reverse that and I welcome all the steps that we are taking to do so.

I, too, had representations made to me about wildcats, but they were too late to be brought into consideration today. I am glad to hear that we might find ways of taking forward that issue.

We must be clear that we have to do more about our biodiversity duty. We are not hitting our targets and, as others have said, neither are other European countries. We must take that seriously, and I am pleased that Robin Harper, in what I think was his last amendment in Parliament, raised some of those concerns.

The issue of ecological coherence, which we did not touch on today, is not just a planning issue within local authorities. We must have a national overview on that.

I conclude by thanking the clerks who, as ever, worked extremely hard. I also thank the witnesses, who brought us a plethora of sometimes conflicting information, and the bill team, which assisted members with the amendments that we lodged at stages 2 and 3. I know that we caused them a lot of work. On behalf of Labour members, I thank all those who helped during the passage of the bill.

16:57

**Roseanna Cunningham:** I thank members for their contributions and I want to cover as many as possible of the points that members have raised during this short debate. However, I want to start by making a slightly more general statement, which is that this Government does not believe that we can sit in an office in Edinburgh and micromanage land management practices throughout Scotland. That is why we will always argue for retention of flexibility in legislation. That needs to be said from the outset, because some of what has been said today suggests that others

think that it is possible to sit in an office in Edinburgh and micromanage a situation elsewhere.

As we anticipated, there has been great focus on snaring. Statements have been made on both sides of the argument, and we well understand what the argument is about. However, to those who are opposed to snaring on the ground that it is a cruel practice, I gently say that they need to think carefully about the language that they use. In some of what has been said this afternoon, the cruel practice that is under discussion has been the harming and death of the animal. However, banning snaring would not, of course, change the likelihood of an animal's being harmed or killed; it would merely change the method that is used. If snaring were banned, the only methods that would be left to people would be shooting and lamping. I have absolutely no doubt that, if the ban on snaring were to go through, it would shortly be followed by a campaign to ban shooting and lamping as well, because that is the direction from which the approach comes. Before making some of the suggestions that have been made, people need to have a long, hard look at the rural economy.

Some of the evidence that has been referred to—today and previously—has been about illegal snaring. However, illegal snaring is illegal, and it is illegal because it is wrong. Talking about illegal snaring and the cruelties that it involves does not address the issues around the sensible approach to snaring that we are trying to bring in.

I should say that many of the estates that snare are managed for different purposes than those that are managed for economic reasons and profit-based reasons.

**Liam McArthur:** The debate on snaring today was inevitable and, in many senses, it was helpful. There is an unhelpful element, however. Despite there being discussion of the matter at stages 1 and 2, there was no suggestion at any stage that it was a party-political matter. In fact, we all have colleagues who have voted for a ban on snaring. It is slightly uncomfortable that, at stage 3—perhaps with half an eye to an election—the subject is suddenly deemed to be a party-political issue.

**Roseanna Cunningham:** Liam McArthur's comments are justified. The issue was never raised or pushed for at an earlier stage.

**Marilyn Livingstone:** Will the minister take an intervention?

**Roseanna Cunningham:** This leads me to think that committee members representing the Labour Party—

**Marilyn Livingstone:** On a point of order, Presiding Officer.

**Roseanna Cunningham:** I do think that—

**The Deputy Presiding Officer (Trish Godman):** There is a point of order, minister.

**Marilyn Livingstone:** I would like the minister to withdraw that statement, as I raised the issue at stage 2.

**The Deputy Presiding Officer:** Minister.

**Roseanna Cunningham:** The member knows that she is not a member of the Rural Affairs and Environment Committee, and she was not involved in all the evidence taking that led up to stage 2. Perhaps somebody has discovered at some point—fairly lately—what Labour Party policy is, and members are now having to pull themselves into line on it.

The review period, which was discussed by Sarah Boyack, was a committee recommendation. I did not come up with it out of thin air—it was what the committee, on which Labour Party members sit, recommended.

The bill is not an animal welfare bill, but it nevertheless includes many aspects that relate directly to animal welfare, and I have said that animal welfare will be at the forefront of snaring training. The way in which some of the issues have been raised suggests to me that, if its members are not very careful, the Labour Party as a whole will be in grave danger of being seen as being completely out of touch with rural Scotland. Perhaps that is not a matter of concern to Labour members, but it ought to be.

I will move on, as I have a very short time and an awful lot of points to make. On vicarious liability, I appreciate that not everybody will agree with the policy. I am sorry that the Conservatives could not see their way to supporting it. They asked for more time—I have to ask them how much more time before we bring in measures to change the position. The code of practice will be on ministers' desks by 2 September, and it will be before Parliament later in the autumn, so members need not be worried about people going on holiday. That matter will be dealt with pretty quickly.

I join Peter Peacock in paying tribute to the exceptional input that was provided by the late Jeff Watson. The point about his research into golden eagles was well made in the debate. However, some of Peter Peacock's other comments suggested to me that he is somewhat impatient with the boring reality that proof has to be established before a crime and guilt are established. However tough it is, that is fundamental to our criminal justice system and must surely remain so.

I am not able to address other points that were raised in the debate, so in closing I commend the

motion that the Wildlife and Natural Environment (Scotland) Bill be passed by Parliament.

## Fuel Duty

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S3M-8032, in the name of Keith Brown, on fuel duty.

17:04

**The Minister for Transport and Infrastructure (Keith Brown):** Even before the events of the past couple of weeks in the middle east and north Africa, recent months have seen a sharp increase in fuel prices. The Automobile Association's latest fuel price report shows that diesel prices in Scotland now average £1.34 a litre, which is an increase of 20p over the past year. Petrol prices have increased by a similar magnitude.

The price increases in our rural and island communities have been even more pronounced. For example, petrol prices in some parts of Orkney now exceed £1.50 per litre, which is higher than almost anywhere else in Europe. Rising fuel costs impose hardship on all households and businesses at a time when budgets are already tight. That is all the more worrying given the fragility of the economic recovery. Many members' local newspapers are running campaigns on the issue, and my area is no different. A headline in the *Alloa and Hillfoots Advertiser* states that "Fuel price hikes will damage the recovery". That is because fuel costs affect not just what we pay at the pumps, but the prices that we pay for day-to-day goods in the supermarket and on the high street, as higher distribution costs push up retail prices.

The road haulage industry has been particularly hard hit. After a challenging winter, operators now have to absorb significant cost increases. For an operator with 10 heavy goods vehicles, every 1p rise in fuel prices adds £7,000 to annual costs. I can attest to that from the experience in my constituency, where Graham's Dairies, which is a large producer and distributor of milk, pays about £47,000 extra per month since the prices have increased.

It is simply unacceptable that in an energy-rich country such as Scotland, motorists and businesses face some of the highest fuel prices in Europe. Although some of the recent price increases reflect rising oil prices, the situation has been exacerbated by the numerous tax increases that have been initiated by the current United Kingdom Government and its predecessor. Scottish motorists now pay more than £2 billion a year in fuel duty. In the past 18 months, the tax burden on petrol and diesel has increased five times. That is worth repeating: in the past 18 months, the tax burden on petrol and diesel has



increased five times. All those increases were planned by the previous UK Government, although many are now being implemented by the coalition. As a result, the UK Exchequer now receives 16 per cent more per litre in tax revenue than it did in 2009. On the UK Government's current plans, the tax burden will increase by a further 4p a litre from next month.

For our part, the Scottish Government has taken a range of measures to try to support Scottish motorists. The first bill that this Government introduced provided for the abolition of the tolls on the Forth and Tay road bridges. In the face of unprecedented cuts to our capital budget, we are continuing to progress the replacement Forth crossing, the M74 completion and the Edinburgh to Glasgow rail improvements programme. However, with VAT and fuel duty accounting for more than 60 per cent of the retail price of petrol and diesel, the key levers to mitigate the effects of rising fuel prices lie with the UK Government.

We should be clear that it is not only the Scottish Government that is concerned about the issue; there is support on the issue across these islands. Just last month, the Scottish Government issued with the Northern Ireland Executive and the Welsh Assembly Government a joint declaration that calls on the UK Government to take a range of measures to support the economy, including action on fuel duty.

The Cabinet Secretary for Finance and Sustainable Growth and I have been pleased to support *The Courier's* fairer fuel campaign, which is one of many campaigns by newspapers, including *The Sun*, that have provided a welcome contribution to our efforts to encourage the UK Government to take action. At the very minimum, the Chancellor of the Exchequer must use his budget statement to cancel the rise in fuel duty that is planned for next month. It is vital that the UK Government heeds that message and does not put further pressure on motorists at this time.

Although scrapping the rise in duty that is planned for April would be most welcome, it would not address the core problem for motorists and businesses who are exposed to high and volatile fuel costs. The Scottish Government is clear that more fundamental reform of the fuel duty system is required. Prior to the general election, the current Prime Minister and Chancellor of the Exchequer advocated the introduction of a fuel duty regulator to protect motorists from temporary and unexpected increases in oil prices. Last month, the Prime Minister reaffirmed his belief that action had to be taken to "share the pain" of rising oil prices. However, despite those fine words, the UK Government has yet to take action to address the situation.

The Scottish Government has long supported the introduction of a fuel duty regulator. The concept is simple and transparent and would bring much-needed fairness to fuel taxation.

**Liam McArthur (Orkney) (LD):** I might be anticipating what the minister is going to say but, given that he suggests that the Scottish Government has supported a fuel duty regulator for some time, has he thrashed out any of the detail of that, including the level at which the regulator would be pegged and, if so, has he communicated that to the UK Government to help its deliberations?

**Keith Brown:** Those are detailed issues on which the UK Government will have access to information and will be able to take a decision.

However, we have said that as a windfall accrues to the Treasury when prices go up, we believe that that additional revenue should be shared so that although the Treasury may well get a windfall, it would share the benefit with the public by reducing costs. Of course, the reverse would be true when the oil price reduces.

**Gavin Brown (Lothians) (Con):** Will the minister give way?

**Keith Brown:** I will make some progress just now, and come back to the member later, if I can.

With the North Sea expected to raise an additional £2 billion this year as a result of higher oil prices—what was expected to be around £10 billion in oil revenues is around £12 billion this year—we believe that such a scheme would be affordable and would provide much-needed relief for motorists.

The scheme that we propose would offer some protection for motorists and businesses by offsetting any short-term price increases. It makes perfect sense to me that if we want to have some control over our economy rather than to be driven completely by international events and to compound those increases with automatic increases in fuel duty, such a scheme would be a way to get some of that control back.

I acknowledge Liam McArthur's point, and it is clear that careful consideration would be required to ensure that any reductions in duty, for example, were passed on to consumers. It would take some work to do that, but schemes have been implemented in other countries, and I am convinced that a workable solution can be found.

The Cabinet Secretary for Finance and Sustainable Growth wrote to the Chancellor of the Exchequer in January to set out the Scottish Government's proposals, and urged him to give the issue serious consideration. The chancellor has repeatedly stated that he is considering the issue, but has yet to take any action. It is vital that

he provide further details of his plans in the budget.

**Gavin Brown:** To pick up on Liam McArthur's question, I think that the parties in this chamber agree on the principle. However, to put the question again, has the Scottish Government ever put forward in detail, rather than just in principle, how it believes the fuel duty regulator should work?

**Keith Brown:** I have just given some more of the detail. The principle that we would apply would be taken further, so that the windfall revenues for fuel duty could be the basis on which a rebate—or a reduction in the costs as applied to motorists—could be given. Obviously more detailed work can be done on that, but it would be done by the Treasury, which is responsible for collecting those revenues.

High fuel costs are a particular concern in our remote and island communities. In some rural areas, petrol and diesel prices are up to 25p a litre higher than the national average. With fewer opportunities to use public transport, that imposes a significant cost on residents and businesses. As has been said in previous debates, the car is very often an absolute necessity and not a luxury in such communities.

The Scottish Government has introduced a range of measures specifically to help rural communities. In particular, we are investing record amounts to support ferry services, which allows operators to keep prices at half the levels that they would be in the absence of subsidies. Highlands and Islands Enterprise and Scottish Enterprise continue to provide assistance to proprietors of rural filling stations with the capital costs of upgrading their facilities.

However, the disparity in fuel prices between Scotland's remote and island communities and the rest of the country remains a key concern. The Scottish Government is clear that that issue can best be addressed through a rural fuel derogation, which would reduce the rate of duty on fuel that is sold in certain rural communities in order to offset the higher distribution costs in those areas. Similar proposals have previously received cross-party support in this Parliament, and have been successfully implemented in France, Portugal and Greece.

The Scottish Government made numerous representations to the previous UK Government to introduce such a scheme, but unfortunately those were all rejected. The current UK Government has been more receptive to the proposals—indeed, introducing a rural fuel derogation was a key element of its programme for Government, which is to be welcomed.

However, rural fuel prices have continued to rise since last summer, but the UK Government has as yet taken no action. I understand that it has yet to even apply to the European Commission for the necessary derogation to implement the scheme, although I am happy to be corrected by other members if that is not an accurate description of the position.

The UK Government's lack of action so far reinforces my belief that it has yet to grasp the impact that rising fuel prices are having on Scotland's economy. There is a need for immediate action. I have, for my part, outlined a raft of policy interventions that could help households throughout Scotland right now if this Government had the power to implement them. We would start, of course, by scrapping the increase in fuel duty that is planned for next month.

It is worth pointing out that next month's increase—or rather, later this month's increase, if it is agreed at the budget and implemented in April—is not the last: further increases were planned under the previous Government for 2012 and 2013. If the chancellor can cancel those increases, it would undoubtedly benefit households and businesses throughout Scotland.

I hope that Parliament will unite in calling on the UK Government to take immediate action to tackle that issue—indeed, I plead for unanimity on the matter.

If we can, I believe that the Parliament talking with a united voice, in concert with the Welsh Assembly Government and the Northern Ireland Assembly, will be a powerful advocate for making the changes that we seek from the UK Government. I ask that no one tries to seek splendid isolation on this and that we work together—we have tried to compromise on what we have put forward to see whether we can reach a common position.

This issue clearly highlights the urgent need for Scotland to be granted full financial responsibility and control of our fuel duty and oil revenues, so that we can take the right decisions for the people and businesses of Scotland. In the meantime, we can take this action if we are all united.

I move,

That the Parliament notes that petrol and diesel prices in Scotland are among the highest in Europe and have reached record levels and that the planned rise in fuel duty by the UK Government in April 2011 could increase prices by a further 4p per litre; recognises that such increases impose an additional burden on households and businesses at a time of rising living costs and could undermine the economic recovery; notes the UK Government's proposal to introduce a 5p-per-litre fuel discount scheme for island communities, and calls on the UK Government to cancel the rise in fuel duty planned for

April and implement a fuel duty regulator that would ensure that some of the additional revenue that the UK Government will receive from increased revenues due to recent increases in oil prices is used to reduce fuel duty to help support Scottish households and businesses.

17:15

**Charlie Gordon (Glasgow Cathcart) (Lab):** I was talking to the minister on the telephone the other day and I mentioned that I saw some snowdrops in Glasgow last weekend, but I said, “Keith, before you rush off to the control room, they were the flower snowdrops, which are a sure harbinger of spring.” This is the fourth spring in a row that we have had a debate here at Holyrood on fuel duty and we are in by far the most severe circumstances of those four years. Families out there are hurting from rises in the cost of living generally, and everyone in the UK—directly or indirectly and to a greater or lesser extent—is adversely affected by high fuel prices.

Labour has consistently opposed the increase in VAT to 20 per cent, which has helped to push up fuel prices to their current record levels at a time when world oil prices are high for reasons that we do not need to go into. With the economic recovery of the UK not yet secured, this VAT on fuel is the wrong tax at the wrong time and it is hitting families and businesses hard.

Labour is calling for the UK chancellor, George Osborne, to take immediate action on fuel prices to ease the pressure on families who are already facing a tough year, with their incomes squeezed. George Osborne should not just forget about the next increase in fuel prices, which is scheduled for April; he should reverse the VAT increase on fuel, which has added nearly 3p to the cost of a litre of petrol at a time when world oil prices are rising.

We know that, according to the House of Commons library, the VAT rise will generate around an extra £700 million of revenue for the UK Treasury this year. Perhaps it is less well-known—this was also identified by the House of Commons library—that the Treasury is also to have another windfall of some £800 million in additional tax income from the banks.

Let us be absolutely clear: in the budget, George Osborne should forget about any planned increase in fuel duty, which could be in the range of 1p to 4p on a litre of fuel. We say that he should also reverse the VAT increase on fuel using the bank levy and cut the cost of a litre of fuel by some 3 per cent.

**Gavin Brown:** Does the member acknowledge that the planned increase was originally planned by Alistair Darling when he was chancellor?

**Charlie Gordon:** Every UK Government makes provision for an increase in fuel annually, but it is a

matter of fact that the previous Labour Government often postponed planned duty increases when world oil prices were on the up, as they are now.

What about the fuel duty stabiliser that George Osborne and David Cameron promised before the election? According to the Scottish Parliament information centre, the Conservative party’s 2010 general election manifesto said:

“We will consult on the introduction of a ‘Fair Fuel Stabiliser’. This would cut fuel duty when oil prices rise, and vice versa.”

Also according to SPICe, the manifesto of the Liberal Democrats, who helped to give David Cameron the keys to number 10, said:

“a rural fuel discount scheme ... would allow a reduced rate of fuel duty to be paid in remote rural areas, as is allowed under EU law.”

It came to light recently that Liberal ministers had been rather tardy in even corresponding with the European Union to progress that idea.

**Liam McArthur:** The process of negotiations with the European Commission can take far longer than any of us is comfortable with, but does Charlie Gordon accept that, whatever glacial pace the negotiations are proceeding at, they are at least taking place? That did not happen under the previous UK Labour Government.

**Charlie Gordon:** It is true that the Labour-led Executive did not initiate discussions with the European Union about a rural derogation; it introduced practical grant aid to rural petrol stations, to which the minister referred. That is practical help.

It is easy to talk, to be a “gaunae” and to break promises, but it is much harder to deliver for people in situations that I admit are complex.

**Stewart Stevenson (Banff and Buchan) (SNP):** Does Charlie Gordon recall that, in our previous debate on fuel prices on 15 April 2010, the Labour Party alone voted against the motion to “reduce the price of fuel in specified remote ... and island areas of Scotland”?

Is the Labour Party making a U-turn? Will it join other parties in supporting the motion tonight?

**Charlie Gordon:** We are not making a U-turn, because a derogation for rural areas is not in the Government’s motion. That does not mean that the Labour Party is not still very interested in the idea, but it is—unfortunately—for another day.

In September 2010, the Office for Budget Responsibility—which Tory Prime Minister David Cameron established—reported on the idea that is in the motion, which is a fuel duty regulator. It argued that a permanent increase in oil prices would have a negative impact on public finances

after a year and said that, because of other complex mechanics in the UK's finances, a fuel duty regulator would to all intents and purposes not work. That is why we are reluctant to endorse the proposal. The UK Government's new advisory body says that it would not work and would not deliver what the Conservatives in the UK Government said in their manifestos they wanted to do.

We focus on practical assistance to the families who are hurting today. I began—as we in this country often do in many circumstances—by talking about the weather. An old joke is that everybody talks about the weather but nobody does anything about it. The families out there who are hurting because of high fuel prices want more than talk, broken manifesto promises and the impotent politics of grievance. They want lower fuel prices now. That is what Labour is fighting for from the Tory Government.

I move amendment S3M-8032.1, to leave out from “and implement” to end and insert:

“and to reverse the recent VAT increase on fuel”.

17:23

**Jackson Carlaw (West of Scotland) (Con):** It was sweet of the minister to give the Parliament the opportunity to discuss fuel duty. I am sure that the debate was well intentioned. I had expected [www.rentarammy.com](http://www.rentarammy.com) to be behind him to support him in force and I am not disappointed. However, I will put the minister's fevered brow at rest by telling him that we will support the motion.

Annabel Goldie raised the matter directly with the Prime Minister last month. It might have taken 11 years, but the new politics has finally arrived under devolution. The Scottish Conservatives welcome a Conservative-led Administration at Westminster, but we will not feel slavishly bound to endorse everything that it says or unable to stand up in Scotland's interests when the circumstances dictate it. We believe that the high price of fuel is prejudicial to the Scottish economy and we will support the Government motion at decision time this afternoon.

Scottish Conservatives have always supported car users. We opposed those who wished to introduce road tolls and we will oppose those who want to introduce a 50mph speed limit. Although we accept that the minister is supporting the motorist this afternoon, we have reservations about some of the actions to tackle climate change emissions that may be prejudicial to motorists. However, that is for another day.

Let us look at the history. As many members know, my background is in the motor industry. For 25 years, I watched changes in access to the

motor car. I saw car ownership change from being something that was only for rich people to something to which many people were introduced when company car schemes became widespread. The car then became something that many families could afford and went on to become an essential item for many families.

The key thing is that, as well as having an effect on the rural economy, the rise in fuel duty is potentially regressive, as it could force many people on marginal incomes out of their vehicles. In future, only the rich will be able to afford to drive while people on marginal incomes and those who work in the rural economy will not. People in the rural economy do not have the same public transport alternatives as others do, so car usage is vital for rural families and businesses.

Why are we where we are today? Mr Gordon referred to the Labour Government at Westminster cutting fuel duty, but Labour increased it. Labour increased fuel duty in July 1997, March 1998, March 1999, March 2000, June 2001, October 2003, December 2006, October 2007, December 2008, April 2009, September 2009—

**Charlie Gordon:** Will the member give way?

**Jackson Carlaw:** In a moment, once I have got to the end of the list.

There were also to be increases in October 2010, January 2011—the one that we are talking about—April 2011, April 2012, April 2013 and April 2014. Under Labour, fuel duty has increased from 36.86p per litre to 57.19p per litre.

**Charlie Gordon:** First, I want to make it clear that I did not refer to Labour cuts in fuel duty. I referred to the deferment and cancellation of planned increases under the previous UK Labour Government. While I am on my feet, in light of the Office for Budget Responsibility report, will the member tell the chamber exactly how a fuel duty regulator will work?

**Jackson Carlaw:** I am happy to talk to that in just a moment.

Labour has called for X, Y and Z this afternoon, including the reversal of the VAT increase. That is extraordinary. We went into the UK election last year with Labour promising to reduce public expenditure by £14 billion, just £2 billion less than Conservative-Liberal coalition plans. Yet, here we are, almost at the end of the financial year, and we know which reductions the Labour Party opposes—all of them—but we are unsure about which reductions it supports; indeed, we know nothing about that. In fact, what Mr Gordon proposed this afternoon would add further to the public deficit.

The coalition Government was elected on the policy of introducing a fuel stabiliser. Mr Gordon

asks me to detail what that will involve, but that is a matter for the chancellor. We are asking him to come forward with the detail of that at the appropriate time, which is the budget on 23 March.

The minister was generous enough to refer to the reduction in fuel duty for the isles. It is difficult to define the rural economy in our approaches to the European Union, which is why those discussions are slow, but we have made the first step in so doing. However, the chancellor should know the will of the chamber; Annabel Goldie has made that clear to the Prime Minister. Scottish Conservatives are happy to support the Government motion. We are in the position that we are in today because of a fuel price hike that is a legacy of the previous Labour Administration. We are happy to stand by Scotland's families and businesses. We will support the Government motion at decision time.

17:29

**Alison McInnes (North East Scotland) (LD):**

As we heard yesterday, average prices at the pumps have reached a new high of 131p a litre for unleaded petrol. In my home town of Ellon, north of Aberdeen, a litre of unleaded is 133p and a litre of diesel is 138.9p. Further north, in Banff, diesel is selling at 141.9p a litre.

It is difficult for people to budget for the kind of rises that we have had over the past year. The soaring prices are causing a headache for households and businesses right across my region. The cost of fuel is a particularly heavy burden for those in rural Scotland. We have further to travel, further to go to take goods to market, fewer options to use public transport and higher pump prices. Many people have long commutes of around 40 miles and nurses working in Aberdeen royal infirmary, for example, have no option but to use a car because the bus services stop running before their shift ends. Everyone is feeling the squeeze. Local community transport schemes tell me that they are facing problems with cash flow. Small businesses flinch at the £100 a time that it costs to fill up their vans. The Community Transport Association reports that the effect of the rise in costs is particularly acute for schemes that rely on volunteer drivers.

Haulage companies are hit very hard. ARR Craib Transport Ltd is the largest transport company in the north of Scotland, providing road and rail transport services throughout the UK and worldwide. It is a major employer, employing more than 330 people throughout the UK, and it provides transport services to a diverse range of industries including oil and gas, food and drink, paper and construction. It has had to cope with the bulk price of diesel increasing by 17 per cent in the

past 12 months and a staggering 10 per cent in the past three months alone.

**George Foulkes (Lothians) (Lab):** Will the member take an intervention?

**Alison McInnes:** Not at the moment.

The company explained to me that, although it can pass on a proportion of fuel price increases to its customers through contractual fuel adjustment mechanisms, there is only ever a partial recovery as the company is under continuing pressure from its customers to reduce costs in what are still extremely difficult trading conditions. Increased fuel prices place cost pressures on the transport company, its customers and the future viability of both. What must not be forgotten is that in Scotland, and in the north of Scotland in particular, manufacturers and producers are a long way from their markets in the midlands and south of England. Consequently, transport costs make up a higher proportion of Scottish manufacturers' and producers' cost bases.

Some things can be done in some circumstances to mitigate fuel costs, such as car sharing and eco-driving, and switching to public transport where possible. However, there is now a pressing need for some respite from the inexorable rise in prices. That is why I support the call to drop the planned rise in fuel duty in April. That would give a breathing space while the Government develops proposals for a fuel duty stabiliser.

**Karen Gillon (Clydesdale) (Lab):** In the current climate, would it not be really useful to reverse the VAT rise on fuel in order to give the families and businesses that the member speaks about a chance? There is cash available in the bankers' bonuses to do exactly that.

**Alison McInnes:** I cannot possibly suggest that as the way forward. The member's party made a mess and left us with 13 years' worth of debt, and we have to pick up the pieces of that. Labour also had a proposal for VAT rises.

**Karen Gillon:** No, we never did. On a point of order, Presiding Officer.

**Alison McInnes:** As I said, I support the call to drop the planned rise in fuel duty in April.

**The Deputy Presiding Officer:** Sorry, Ms McInnes, but there is a point of order from Karen Gillon.

**Karen Gillon:** Presiding Officer, the standing orders are clear that members should not knowingly mislead Parliament. However, the member has done so, because we had no proposals to raise VAT and she knows that.

**The Deputy Presiding Officer:** That is not a procedural point.

**Alison McInnes:** I support the call to drop the planned rise in fuel duty in April, which would give us a breathing space while the Government develops the proposals for a fuel duty stabiliser. Liberal Democrats support the idea of a regulator or stabiliser, a mechanism that would be able to cut the duty on petrol when oil prices rise so that the price for consumers remains the same. Duty would then rise again once prices drop. *The Courier* has had a massive response to its fight for fairer fuel campaign—I understand that it has already amassed more than 6,000 signatures.

Labour cannot rewrite history. It did nothing to tackle rising fuel prices in 13 years. In contrast, UK ministers are now working towards a fuel stabiliser that could support motorists and businesses when oil prices are high, and they are taking specific action to support those in island communities.

The Liberal Democrats have been at the forefront of campaigning for fairer fuel costs for many years. We wrote our rural fuel discount policy into our election manifesto. Danny Alexander then won support for it in the coalition agreement and he has announced that the UK Government is taking it forward. It has to persuade the European Commission that the proposals are justified on the basis of evidence and then secure the approval of every one of the 27 member states. The plan will deliver up to a 5p duty discount on a litre of fuel. The pilot will start in the Inner and Outer Hebrides and the northern isles. It will take time to deliver, but it will make a real difference to people in remote island communities. That is quite a contrast to Labour's record.

On the fuel duty stabiliser, it is estimated that every \$1 rise in the price of a barrel of oil earns the UK Government an additional £150 million in revenue each year. In November, the UK Government projected the cost of a barrel of oil at \$85, but the current price is \$112. It is calculated that that brings in additional revenue of approximately £11 million per day.

I acknowledge that the OBR said that other balancing elements come into play, such as reduced demand at the pump and temporarily higher inflation. Nevertheless, the net effect is still positive and should be harnessed, to smooth out the ups and downs in the market.

I urge Westminster to ca' canny, to listen to what people are saying about the problems that a further rise in duty would cause and to take positive action in the forthcoming budget to help our hard-pressed businesses and households.

17:35

**Kenneth Gibson (Cunninghame North) (SNP):** Scotland is facing a fuel price crisis. We are reaching a point at which Scots motorists,

businesses and families will no longer be able to sustain the spiralling costs of petrol and diesel. It is no exaggeration to say that serious action must be taken to avert a crisis in which people will lose their jobs and established and budding businesses will fold.

Much has been made of how the crisis in the middle east is affecting oil prices and driving up the cost of fuel to intolerable levels, but that is a fallacy. In July 2008, the price of oil reached \$142 per barrel; today, the price is \$114, but fuel is much more expensive now than it was then. It is the policies that successive UK Governments have pursued that have dramatically increased the cost of fuel. The fuel duty escalator, which Labour and Tory Governments pursued, with a penny increase in one budget and a penny increase in the next, soon added up, as Mr Carlaw said. The approach has pushed the cost of fuel through the roof and left many people struggling to cope.

In the heady days of 2008, fuel duty stood at 50.35p per litre and the VAT rate was 17.5 per cent. Next month's proposed increase will bring duty up to 58.95p per litre, at a time when VAT is 20 per cent. That will stuff Treasury coffers with £34.6 billion this year.

UK motorists are the most highly taxed in the European Union. Some 62 per cent of the average price of a litre of diesel consists of tax. The current formula for fuel duty increases is inflation plus 1p each April until April 2013. If we consider that fuel price rises increase inflation and inflation increases fuel prices, it is clear that the situation is unsustainable.

To add insult to injury, although most EU oil comes from Scotland, not only do we pay more at the pumps than anyone else does but, this year, we will send £12 billion in oil revenues to the UK Treasury.

**Rob Gibson (Highlands and Islands) (SNP):** Will the member give way?

**Kenneth Gibson:** I will give way to my clansman.

**Rob Gibson:** My constituent Alasdair Nicolson, who owns a garage at Rogart in Sutherland, says that people cannot afford to buy petrol for essential users and, if the fuel duty goes ahead, there will be no petrol stations left in Sutherland. Does the member agree that that will be one of the consequences of the increase in taxes by the London Government?

**Kenneth Gibson:** During the past decade, a third of petrol stations have closed and rural Scotland has been hit harder than most areas. People who live in rural communities have to travel ever further to fill their tanks.

During tough financial times, it is the duty of Government to boost the economy, secure employment and protect businesses and services. Many people could learn from the Scottish Government's small business bonus scheme, for example, which has meant the difference between sinking and swimming for one in eight Scottish small businesses. However, far from attempting to help businesses through these difficult times, the UK Government is placing more obstacles in businesses' way.

Information that the Federation of Small Businesses provided set out the devastating effects that increasing fuel duty has had and will continue to have on businesses unless drastic action is taken. The figures on the increased costs of road haulage are particularly eye watering, as we heard. The FSB's national chairman, John Walker, summed up the situation when he said:

"small businesses want to grow, innovate and create employment but the cost of fuel puts the brakes on their ability to drive the recovery ... Every extra penny spent at the pumps is a penny not being spent elsewhere in the economy and our members are finding it hard to plan for the future, as well as survive the present, due to the spiralling cost of fuel."

We cannot allow work to stabilise and grow our economy to be undone by short-sighted and unjustifiable increases in fuel duty.

However, it is not just the business sector that is feeling the squeeze; ordinary Scots families, motorists and people who travel on public transport are finding that their budgets are seriously stretched. They are paying hundreds of pounds more every year to get to work, which pushes already-tight budgets even further. During better times, a fuel price increase could be offset by a rise in wages, but employees are currently experiencing the largest real-terms cut in their wages since the 1920s. The higher costs of goods and services add further pressure to household budgets.

The coalition Government is often heard to talk of fairness, but what is fair about all that? I welcome the comments of Liberal Democrat and Conservative members who do not support the increase in fuel duty. I hope that the message gets through to their chancellor down south.

For more than a decade, the Scottish National Party has campaigned for lower fuel prices. We are therefore aware of the options that are available to give motorists and businesses a better deal. A fuel duty stabiliser would ensure a freeze on fuel duty increases and a reduction in duty to match any increase in VAT revenues from higher pump prices. That would provide greater certainty for businesses and families.

In rural and island communities, the burden of fuel costs is even greater. The people on Arran in

my constituency, for example, do not have to deal with high levels of duty and taxation alone; isolation and low sales volume add approximately 15p to the price of a litre of fuel. A constituent informed me that in Brodick in Arran today diesel was 149.6p per litre and unleaded was 142.2p per litre. That is surely the highest in the country.

**Charlie Gordon:** Will the member give way on that point?

**Kenneth Gibson:** I must apologise to Charlie Gordon, because I would like to take his intervention, but I am running short of time and am speaking about my constituency.

Since 1999, the SNP has pursued the idea of a derogation on fuel duty for rural and island communities to ensure that fuel duty in such communities would be less than on the mainland in order to make up for the price differential. Bizarrely, the previous UK Labour Government supported that measure in EU countries such as Portugal, Greece and even prosperous Luxembourg—which has the lowest fuel duty and VAT rates in Europe—but not in Scotland, even when the MP who was in charge of the policy represented the island of Arran.

The new coalition Government is more sympathetic to the idea. On 9 October 2010, Danny Alexander MP, Chief Secretary to the Treasury, announced that a pilot scheme with a 5p duty derogation—not a particularly great sum, but at least something—would be introduced for islands from the Scillies to the Shetlands. However, Mr Alexander omitted the Clyde islands. Unfortunately, having challenged him on the issue—I have the correspondence here—I discovered that that was not merely an oversight and that the UK Government does not intend to extend the derogation to the Clyde islands.

Unless we have some kind of level playing field, high fuel prices will impact on households, businesses and public services on Arran, and islanders will be adversely affected. That will ultimately cost jobs and reduce disposable income.

Throughout Scotland, we are talking about not a mere 1p rise in fuel duty, but thousands of jobs. The chuntering Lord Foulkes does not seem to care much about that, because all he does is chunter and chunter without anything positive to say.

**George Foulkes:** Oy, oy!

**Kenneth Gibson:** We are talking about business survival, about the delivery of public services and about daily household budgets being stretched to breaking point. I know that, with his income, Lord Foulkes will not be affected.

The UK Government will raise £1 billion in extra revenue if it follows through with its proposal in Scotland. The consequences of that will, in the long run, cost it and the Parliament far more.

17:42

**Cathy Peattie (Falkirk East) (Lab):** Behind the doors in any street down which members walk, families are anxious about how they will get by over the next few years.

We find ourselves in a difficult international situation and a difficult economic situation. Neither is of our making or under our control, but both have an impact on our lives. One impact is the recent large rise in fuel prices, on which we have to move forward, because the impact on Scottish people's lives will be devastating. That will be the case not only for drivers. Costs will also rise for public transport and distribution, which will push up inflation and increase food prices and other costs, not just fuel costs. The bad news will mean problems for everyone but, for those on low and fixed incomes, it will be a crushing blow.

On top of that, we are due to have a further increase in fuel duty. That is more bad news. We face a huge increase in fuel costs, which threatens our recovery.

However, members should note that the increases in fuel costs are not entirely bad news for the UK Government: it will, after all, get increased income as a direct result of increased prices.

We could reverse the VAT increase on fuel. Government revenue from fuel would still be greater than was expected before prices started to rise so sharply. The impact from removing the VAT increase could be offset by a bank levy.

In the current economic situation, when fuel prices are rising so quickly without any assistance from the Scottish Government, we should not add to people's burden with a further fuel duty increase. Without fuel duty rises and before the most recent international oil price rises, fuel prices were already moving higher.

In a survey that the Automobile Association conducted, 49 per cent of respondents said that they would drive more economically as a result of higher prices. We should build on that by publicising eco-driving techniques that could save families hundreds of pounds. Local and national campaigns on that issue would also contribute to our climate change targets.

**Keith Brown:** Does Cathy Peattie agree that it is profoundly ironic that, in Grangemouth in her constituency, where up to £12 billion of revenue is generated for the UK Exchequer, we have been paying—I have used the filling stations in that

constituency often—far more than in the rest of Europe although we are an energy-rich country?

**Cathy Peattie:** I will speak about Grangemouth shortly.

Scottish fuel duty is, of course, a UK issue, and we should not linger over aspects that are reserved, but I agree that there is a Scottish dimension that we should focus on in this debate. The Scottish dimension is not just about islands and rural areas. The impact on people in those areas is not simply in how much they pay at their local pump; they are also affected by the higher prices that are being paid in the rest of Scotland. High fuel costs in my constituency affect everyone in Scotland, as they have a direct impact on the cost of distribution. I never tire of reminding people that Grangemouth and the surrounding area have the busiest Scottish port and a major refinery, and they are a significant location for road and rail hauliers and supermarket distribution. Fuel costs that affect my constituency affect everyone. Let us not forget what happened a few years ago, when fuel cost protesters blockaded Grangemouth refinery, despite fuel costs being much lower then. I do not want to see people being driven to such measures again.

At first glance, the idea of a fuel price stabiliser is attractive as an answer to the problem of fuel price volatility, but it would not address the causes of that volatility, and the system would be complicated to operate. Government studies suggest that it would lead to instability and perverse outcomes, which make the proposition flawed. The system could also cost a lot to operate, which would undermine the whole point of having it. Even many of its supporters admit that the concept needs further study and refinement, and that it is unlikely to be workable in the near future. Danny Alexander has said:

"It's a complicated idea and it's difficult to see precisely how we achieve it, but it's something that we are looking at very carefully to see if we can reduce the burden of fuel duty".

The VAT route would be quick, simple and easy to implement, and it would be easier to forecast the benefits and costs of it.

This debate is about sending a message to Westminster, which should be that this is not just about one part of Scotland; rather, it is about interdependency. The Labour amendment proposes action that would help everyone in Scotland.

17:47

**Stewart Stevenson (Banff and Buchan) (SNP):** It is a great pleasure to speak on the subject of fuel duty. In my first contribution in the Parliament in 2001, I spoke about fishing, which is



a vital interest for my constituents. Therefore, it is a great pleasure as I make my 400<sup>th</sup> speech today to speak about something of equal importance. [Applause.] I thank members for that kind applause. It is richly deserved—for those who have had to listen to my 400 speeches.

I will be serious. The fair fuel price campaign featured in the middle of the newsletter that I distributed in 2001 for my first election to the Parliament. Fair fuel prices were an issue then, and they remain an issue today for rural constituencies such as mine. In 1997, the price of a litre of petrol was 61p. Alison McInnes referred to the price of diesel in Banff. I understand that the price of petrol in Banff today is 134.9p a litre. When I had my first car, I could fill up its tank, take the four people in the car for a fish supper, go to the cinema, and get change from a pound.

The world has changed, but the Labour Party's inability to engage on the subject has not. When it debated it in April last year, parties were able to coalesce around a shared belief that we had to take action, but the Labour Party—the 36 members of it who turned up to vote, that is; 10 were missing—was on the wrong side of the argument, and the indications are that it will be on the wrong side of the argument today.

**Charlie Gordon:** Will the member take an intervention?

**Stewart Stevenson:** I will do so later.

Charlie Gordon said in that debate that he remembered lager being half a crown a pint, so I know that he is of a similar age to me.

Those staggering increases in the cost of fuel affect everyone, not simply motorists. If businesses face higher fuel costs, those costs are in turn passed on to consumers and we all pay more for the things that we buy. The case for a fuel duty regulator to halt the constant fuel price increases that people face has never been more urgent.

I do not have an intrinsic difficulty with the idea of reversing the recent VAT increase on fuel that the Labour Party proposes in its amendment; my fundamental difficulty is that although that would give some relief, it would be a one-time hit, whereas what the Labour Party seeks to delete from the motion is a proposal that would provide a long-term, permanent solution to smooth out the price of fuel. The one thing that really affects business and individuals is erratic changes in prices. A study of the graph that the House of Commons has provided in its research shows that pricing has become much more erratic in nature.

**Patrick Harvie (Glasgow) (Green):** The member describes a fuel duty regulator as a permanent solution to the problem of volatility.

Surely he accepts that it is not a permanent solution to fuel price rises, which, at present, are not being driven by taxation.

**Stewart Stevenson:** I absolutely accept that if the intrinsic price of the underlying raw material is to change over a long period of time—I think we all accept that it is—we cannot beat the system, but we must give business the certainty of understanding what its costs will be.

**Charlie Gordon rose—**

**Stewart Stevenson:** I am coming to Charlie Gordon in a minute.

We must also give rural constituents such as mine the opportunity to do their budgeting, as well as giving them some relief in the meantime.

**Charlie Gordon:** As an aside, can I say that I yearn for the days when I was younger and better looking than the former transport minister?

I have explained that the Government's own advisory body says that a regulator would not work. I have made it clear that we are being practical: cutting back the VAT on fuel is a practical measure that can be taken this month. If the member checks the *Official Report* of the debate that we had a year ago, he will see that I left the door open, as I did earlier this evening, on the concept of some limited derogation for very remote rural parts of Scotland.

**Stewart Stevenson:** If the door is capable of being opened, the three parties who are on the other side of the argument in the debate are handing the Labour Party the key. It should take it, turn the key and go through the door. A fuel duty regulator is a process by which we can give certainty and use the huge sums that the Treasury has—it has £1 billion in tax more than it anticipated having—to fund relief for people in rural areas who simply do not have alternative means of transport and who have to use their cars to go to work or to the shops, and to undertake social, educational or medical journeys. It is extremely important that we focus on that.

I welcome the fact that it appears that our island communities are to receive some relief, but many mainland communities are equally remote and equally affected by fuel prices. A fuel duty regulator would be a way of controlling price, and I hope that members will coalesce behind the Government's motion and unite in sending a message to the Government at Westminster.

17:53

**Jim Hume (South of Scotland) (LD):** The high price of fuel always hits hardest those in remote and rural communities, where ownership of a car is a necessity and bus stops are often non-

existent. Public finances are tight, which has resulted in many local authorities having to withdraw subsidies for some loss-making bus routes in rural areas.

Members will recall that the Liberal Democrats detailed plans for a fair deal for motorists in our manifesto, which included a rural fuel discount scheme. We fought successfully for that to be included in the UK Government's coalition agreement, and it is worth noting that it took just five months for the Westminster Government to announce its intention to introduce a pilot scheme that will deliver fuel duty discounts to many of our island communities.

Of course, dramatic increases in fuel are not exclusive to the past few months; they were endemic throughout Labour's 13 years in power, so people will rightly ask Labour what was keeping it from introducing a similar scheme. That is further evidence that Labour does not really get the rural issues.

The price of unleaded and diesel fuels in areas such as Lerwick and Kirkwall is certainly eye-watering and I imagine that few members will argue with such communities receiving support in the form that was announced in October. However, not all Scotland's remote communities are located to the north. From speaking to many of my constituents throughout the south of Scotland, I know that families and businesses are feeling the pinch. It is a fact that, just as in many Highland communities car ownership is necessary, the same is true in the south.

For example, in Dumfries and Galloway and the Borders, approximately 250,000 inhabitants live in about 11,000 sq km. That gives a population density of just 24 people per square kilometre, which is in stark contrast to a city such as Glasgow, which has a population density of 3,338 people per square kilometre. As we would expect, two such vast areas as the Borders and Dumfries and Galloway are also experiencing high fuel prices. In Selkirk today, diesel costs 137p per litre. In Eyemouth, it is 140p, and in Annan, it is 142p. All those prices are above the UK average. Many people who reside there are forced to commute to their work and are only too well aware that trips to filling stations are becoming more frequent.

We have also had two hard winters, which have hit rural businesses' fuel costs high and hard. I therefore sympathise with and support calls to defer the fuel duty increase that is planned for April.

**George Foulkes:** I wonder whether Jim Hume can help me. Does he believe that keeping us all here for an extra two hours to debate an issue that is reserved to Westminster is worth while? Would he not be better going down to Westminster,

grabbing hold of Danny Alexander by the collar and making sure that he does what Jim Hume is asking him to do?

**Jim Hume:** I do not agree with that. I would not sympathise with anyone who wanted to grab anyone of any particular persuasion. I assure George Foulkes that the Liberal Democrats have pushed forward the coalition's schemes.

I mentioned that we are seeing the tightening of public spending, and the continued increase in fuel prices presents budget pressures for local authorities and health boards that have sizeable vehicle fleets. Indeed, last month it was revealed that Dumfries and Galloway's bill for running its vehicle fleet increased by 60 per cent in just 12 months. Clearly, it would be desirable for our efforts to decarbonise the economy and for economic reasons if the public sector were to move away from using petrol and diesel in its vehicles.

The SNP appeared to recognise that by stating in its 2007 manifesto that it was committed to ensuring that the entire public sector fleet would be running on alternative fuels by 2020. Unfortunately, I regret to inform members that the Government's record on that target is appalling. Responses to freedom of information requests that I received a few weeks ago reveal that, in the 30 local authorities that responded, just 4.5 per cent of their vehicles are using alternative fuels. Thirteen health boards responded, and 1.1 per cent of their vehicles are using alternative fuels, while 0.7 per cent of the fleets of the police boards that responded are using alternative fuels. That is nowhere near 100 per cent. In all the public bodies that I surveyed—a combined fleet of 21,203 vehicles—only 3.25 per cent of vehicles use any type of alternative fuel. There is therefore little cause for optimism that we will see an improvement in that situation under the SNP Government.

Many of the public bodies that I surveyed had never purchased a vehicle that uses alternative fuel, and in the few that had, 45 per cent fewer such vehicles will be purchased during the current financial year than were purchased in 2007. Of course, the First Minister announced a low-carbon vehicle procurement scheme but, at best, that will give money towards only 104 vehicles, which is 0.005 per cent of the fleet that I have just mentioned.

The failure to take adequate steps towards decarbonising the public sector's fleet of vehicles simply ensures that public bodies will continue to experience a tightening of their budgets as their fuel costs rise. That is because of a lack of competitive fuel alternatives and investment.

People throughout my region and the rest of Scotland are concerned about the rising cost of fuel, and we should be concerned, too. That is why I welcome the UK Government's exploration of how it can assist remote communities, and why I support the deferral of the fuel duty increase in April.

18:00

**David Stewart (Highlands and Islands) (Lab):**

As we have heard, this evening's debate is on an issue with widespread implications for rural development, climate change and, of course, integrated transport. Indeed, as Cathy Peattie and others have pointed out, high fuel prices affect all of Scotland, but the effects are much more acute in our super-rural and peripheral areas, particularly our island communities. In that respect, I recall Donald Dewar's story of his visit to Brian Wilson's mother-in-law in the Western Isles. When he remarked that her house was extremely remote, she replied, "Yes, Donald, but remote from where?" There is an issue about where our rural areas are in connection with the rest of Scotland.

High and unstable fuel costs are a very real problem not only for business, as the National Farmers Union Scotland made clear to us in this afternoon's briefing, but for local families and tourism in Scotland. At 12 o'clock today, I took a snapshot of petrol prices around Scotland. In Skye, diesel was 143.9p; in Lewis, 149.9p; and in Galashiels, 136.9p. Of course, when we talk about high fuel prices, we need to consider the combination of factors that make up the fuel price itself.

**Rhoda Grant (Highlands and Islands) (Lab):**

As the member is aware, many small rural filling stations have told us about the high cost of wholesale fuel, which puts pressure on their businesses and, indeed, can make them unsustainable. How could we help those filling stations to stay in business? After all, the further that people have to travel to access fuel, the higher the cost they will have to pay.

**David Stewart:** The member makes a very strong point. In fact, when it was in power in the Scottish Parliament, Labour introduced a series of measures to support rural petrol stations, including rates relief and vapour removal and recovery tanks, which, although they sound techie, are extremely important to those businesses. We need to borrow some examples from countries such as Scandinavia, which has unmanned petrol stations with closed-circuit television. The resulting cut in labour costs has ensured the survival of supply, which is also crucial.

The fuel price is made up of the spot crude oil price, distribution and marketing costs, VAT,

refining costs and fuel duty. Fuel duty and VAT are reserved and, of course, the spot crude oil price is set by the markets. This whole debate could have focused on the role of the Organisation of Petroleum Exporting Countries and cartels and how the spot price is arrived at, but the relevant concern is, as other members have mentioned, the current problems in Libya and Iraq, which are reducing the available supply of fuel. Under the simple laws of supply and demand, those issues will play a role in increasing the fuel price in the short term. That is very worrying and there is frustration at the amount of control that individual Governments have over the spot price of fuel.

What can be done about price? In Europe, as we know, harmonisation policies have been introduced in an attempt to achieve common tax rates and environmental necessity has led to a general trend, which most of us with our environmental views would support, towards increasing tax on road use. As other members have pointed out, there is no simple one-size-fits-all solution to this problem. Like my colleagues Charlie Gordon and Cathy Peattie, I support reducing VAT to 17.5 per cent—but more of that later, perhaps.

**Keith Brown:** How would the proposed VAT reduction, which I support and for which my party voted in the House of Commons, help not only the instability of fuel prices but businesses themselves? After all, because businesses will by and large reclaim that money, such a reduction will have a neutral effect on them.

**David Stewart:** As I said, there is no one-size-fits-all solution, but I think that that straightforward, practical step could help.

I point out to the minister an example of where it has helped. When Labour was in opposition and John Major was the Prime Minister, we defeated the Tory Government at that time and reduced VAT on heating oil to 5 per cent. If my memory serves me correctly, it is still at that rate. It is important that we see VAT as a useful vehicle in reducing cost.

As I mentioned earlier, one of the biggest factors in the price of oil is the role of the cartel, of OPEC, and political instability. It is hard to control the overall price of fuel because of that factor.

Another issue that members have not raised but which I think is important in the Highlands and Islands, as well as in other rural areas, is the suggestion that competition might not be as good as it could be in the wholesale market and within distribution. In the past, the Office of Fair Trading has pursued inquiries into that and, if the evidence supports it, I would support further inquiries by the OFT into petrol pricing in rural areas. In the past, some anomalies have been raised, especially in

the Western Isles—Alasdair Allan will be familiar with them—through the OFT inquiry.

I support the view of the ex-Minister of State for Industry and Energy, Brian Wilson, that oil companies should have regard to a whole series of factors when it comes to determining the price of fuel. He has argued that oil companies should build ultra-peripherality into their pricing—in other words, the oil companies themselves should have a role in addressing the supply of fuel to marginal rural areas. I am not suggesting that that is the whole solution; I merely think that it is a reasonable way forward in trying to get an individual solution.

**The Presiding Officer (Alex Fergusson):** I must hurry you to close, Mr Stewart.

**David Stewart:** I will go straight to my conclusion, Presiding Officer.

There are some things to be welcomed in derogation and I support the current pilot in our island communities. It is not easy to deal with derogation in the European Union, as members know. There must be a unanimous decision by EU finance ministers. The key is to have a reduction in VAT, to have an inquiry by the OFT and to build up alternatives in rural transport to provide solutions for rural consumers.

**The Presiding Officer:** I advise members that there is absolutely no extra time available, so speeches must be dead on the time limits that have been given.

18:06

**Gavin Brown (Lothians) (Con):** This is a vital issue for us to discuss this evening. People across Scotland are hurting at the moment. They are really feeling the pinch and businesses are feeling the pinch, too—some of them are in jeopardy. Any member who is out on the street, knocking on doors or getting letters and e-mails from their constituents knows that this is right at the top of the pile of issues in the minds of constituents, whether they live in a rural or an urban area. I am sorry if it inconveniences George Foulkes to have to stay behind for two hours to discuss the issue, but so be it. It is critical that the Parliament discusses it and sends out a message on it. The situation could get worse. It is bad at the moment and we are suffering record high prices, but if we see an increase in taxation and the globally traded oil price, it will get worse. That is why it is important to send a message.

I will focus on three areas: the planned rise in taxation; the fair fuel stabiliser; and the derogation pilot for certain rural areas in Scotland and the rest of the UK. We made it clear in our election manifesto that we will consult on the introduction

of a fair fuel stabiliser, which would cut fuel prices when oil prices rise and vice versa. It would ensure that families, businesses and the whole British economy would be less exposed to volatile oil markets and would ensure a more stable environment for low-carbon investment. Where we part company with the Scottish Government is on the pace of change. The proposal is far more complex than the minister gave credit for in his opening speech. He criticised the UK Government for things not having moved faster than they have, but I do not think that anybody in the world expected a fair fuel stabiliser to be in place so soon after the general election. Very early on, the UK Government tasked the Office for Budget Responsibility with exploring how oil prices would affect the economy and, as we speak, the Treasury is considering in detail the OBR's assessment of that.

**Keith Brown:** I accept the member's point about the time that it can take to do these things, but does he not think that, given the case that he has just made, the extreme situation that businesses and individuals face and the extent to which that has been compounded by the increase in VAT, there should have been some alacrity on the part of the UK Government and that it should have dealt with the matter a bit more quickly? We have not heard anything from it on the issue.

**Gavin Brown:** I do not think that it is fair to say that we have not heard anything from the UK Government. We have heard far more about the issue in 10 months than we heard about it in the previous 10 years.

The important point is that this is not a temporary fix. It is far more important that we get this right to protect our businesses in the medium and the longer term. If that means taking a bit longer, it should take a bit longer. For example, how do we set the base price for oil, petrol and diesel? That involves brains far wiser and more able than mine. However, it is more important to get it right than to get it done quickly.

The thing that I want to get done quickly is to abandon the tax rise of 1p above inflation that is planned for April. There is unanimity across the chamber on that point, I think.

**Patrick Harvie:** No, there is not.

**Gavin Brown:** I accept Mr Harvie's point, but there is near total unanimity.

As Jackson Carlaw said in his opening remarks, Annabel Goldie has raised the matter directly with the Prime Minister. This is an issue on which quicker action can be taken.

On the derogation, rural areas are hit even more badly than our cities at the moment. In most cases, the pump price is higher and, in other

cases, there is a lack of alternative transport. In many parts of the country, the car is vital. In some of our rural areas, there is simply no other option.

The UK Government has announced its intention to introduce a rural fuel duty pilot, with a discount of up to 5p a litre on all petrol and diesel. The areas that the pilot would cover have been outlined. Scottish National Party members have criticised the speed at which that has taken place. Again, however, getting that scheme in place is far more complex than it would first appear. As Alison McInnes said in her speech, not only is clearance required from the EU as a whole, but each individual member state in the EU has to agree to the derogation that the UK Government wants to put in place. As other members have said, the system works in other parts of the EU, such as the Greek islands, the Azores and parts of France. However, the process for some of those areas was long-running—derogation did not happen overnight—and, in the case of Greece, I understand that the derogation was allowed as part of its accession to the EU.

I think that the UK Government is doing all that it can to put the case for a derogation, with an aim to having it as soon as possible.

The situation is deeply worrying for the country, which is why we are getting behind the motion. Everyone is feeling the pinch. We have been clear about our desire for the planned rise in April to be cancelled and for there to be faster movement on derogation and on the fair fuel stabiliser. However, we are realistic about the possible rates of progress in that regard.

18:12

**Alasdair Allan (Western Isles) (SNP):** “Why,” the weary listener might ask, “do island MSPs keep going on about this subject?” If they tried buying petrol in the Western Isles, they might understand.

As others have said, fuel prices are reaching concerning levels throughout Scotland. However, in Scotland’s islands, they are now at astronomical levels. I have yet to hear of people anywhere in the world who pay more to fill up their car. Therefore, I make no apology for concentrating on the effects of high petrol prices in Scotland’s island communities, and I welcome the fact that, contrary to what Mr Gordon said earlier, the Government motion refers to a fuel duty derogation in the islands.

I have heard that in some places in the Western Isles petrol has reached 148p per litre, and I know that, in Benbecula, petrol is one tenth of a penny away from crossing the more than psychologically important £1.50 mark. I note the minister’s report

that, in Shetland, that barrier has already been crossed.

**Jamie McGrigor (Highlands and Islands) (Con):** Just for information, the cost of diesel on Tiree is 155p per litre and, on Islay, it is 148p.

**Alasdair Allan:** I agree that this is a problem that afflicts all the islands and many other areas of rural Scotland.

Despite the Western Isles being nowhere near the top of the league for household income in Scotland, we have a higher than average rate of car ownership. That tells its own story. As others have pointed out, in the islands a car is essential for practically anyone in employment and anyone with a young family. In many cases, it is even essential for pensioners who just want to get to the nearest shop. People who would not consider owning a car in the cities realise that they have to have one in the Western Isles, or in other island communities.

Public transport does exist there, and it is certainly used. However, with most villages having typically half a dozen buses going through them each way a day—if that—trying to fit the needs of a job or a family around bus services is no simple matter. To ask people in the Western Isles to do without cars entirely would, if I may put it as dramatically as this, be to ask them, essentially, to accept the travel patterns of their grandparents’ generation—three or four trips a year to Stornoway, followed by one permanent journey to Canada.

I say these things not as a petrolhead by any means—lest I be called that. I do not drive a car on the mainland, which is possibly just as well for people there. I did once drive a car from Inverness to Ullapool, I concede, but I have no immediate plans to repeat anything of the kind again. I fully and enthusiastically accept the need to reduce our car use. However, we must also accept that, in some parts of Scotland—not the bits that are responsible for the vast bulk of our carbon emissions—if there is an alternative to the car, it has not yet made itself known.

For that reason, people in the Western Isles have not been slow to record their views about fuel prices. I wrote to my constituents on the issue some time ago and got almost 5,000 replies on the subject. A petition was raised locally and was taken to the Parliament’s Public Petitions Committee. It was signed by something like a quarter of adults in the islands. It resulted in correspondence between the Scottish and UK Governments, in which, somewhat laughably, the then Chancellor of the Exchequer, Alistair Darling, argued against a cut in fuel duty in island areas, claiming that it would create what he called “perverse incentives”—presumably for people in

Glasgow to drive to the Western Isles to fill up their car.

We are still waiting for the present UK Government to make good on its promise—which is very welcome, I must say—made many months ago now, of a 5p cut in island petrol duty. Notwithstanding the complications that have been described, I counsel the UK Government that a hope long deferred maketh the heart sick.

As everyone knows, the price of petrol has gone up through the VAT rise, ensuring that those who already pay most for their fuel now pay most tax, too. There is as yet no sign of a fuel tax regulator and it is disappointing—indeed, somewhat incredible—that the Labour amendment seeks to remove all reference to that regulator from our motion. I hope that Labour candidates in the Highlands and Islands are well briefed on how to explain that one away.

I accept that tax is not the only factor in the price of island petrol. The lack of competition among the companies that deliver and supply fuel to island petrol stations—I am not thinking internationally, but locally—is not healthy. Indeed, as other members have mentioned, the Office of Fair Trading has taken some interest in the matter.

However, tax is an important factor and, regrettably, the UK Government still determines the tax on fuel and receives that tax, just as it receives tax on the companies that operate in the North Sea. My colleagues in the House of Commons are busy today tabling amendments to the Scotland Bill to put that situation right but until it is, this Parliament still has an opportunity to argue for a fairer deal for those who really do rely on the car. That means arguing that the UK Government should cut the rate of island fuel duty, abandon its planned duty increase and introduce a fuel duty regulator. Any party that does not argue for those things tonight will rightly be strongly criticised in the communities that I represent.

For all those reasons, I urge members to support the Government motion and to vote against the Labour amendment.

18:18

**Patrick Harvie (Glasgow) (Green):** Time for a key change, I think. It should not come as any surprise to people in any of the political parties that are represented here that the Greens will be voting against both the motion and the amendment. We will be doing so on a day when the chief economist of the International Energy Agency stated:

“Expensive oil is here to stay”.

That recognises that, as oil reserves decline in both output and quality—North Sea oil having

been in decline for many years—we will experience continual increases in oil prices.

My problem is that the proposals that have been outlined by all the other sides in the debate are a short-term fix for a long-term problem. As research published by the policy studies institute suggests, recent fuel prices have been driven by an underlying trend of rising international oil prices, rather than by increases in the fuel duty rate. Therefore, the proposals are the wrong response to the problem. They are also an expensive response, because fuel duty revenues allow other taxes to be kept lower. As someone who is sometimes willing to talk about tax increase, I challenge any member who wants lower fuel duty to say which taxes they would increase to compensate.

Transform Scotland, Friends of the Earth, Sustrans and WWF have circulated to all members a briefing that outlines the reasons why the fuel price stabiliser would not work in the long term, even though it might smooth out volatility.

**Stewart Stevenson:** Does the member accept that the UK Government is on target to take £1 billion more in tax from fuel than was provided for in the budget that it produced last year? The money is there—the proposal is to return the excess tax that is being collected.

**Patrick Harvie:** Our requirement for capital investment in a low-carbon society and economy should be our priority for that money.

As Transform Scotland has argued, cutting fuel duty would be using taxpayers' money

“to fix a problem that is beyond our control.”

I am used to hearing doublespeak and denial on oil issues, but for the transport minister to open a debate on fuel prices by complaining about prices and at the same time boasting about a road-building programme, which is locking in oil dependence at ever-higher levels, surprised even me. He said that we must not be controlled by international events and that we need to get some control back. Every country in the world is facing peak oil. Peak oil used to be dismissed by the oil industry as a fringe theory or even as ideology, but not any longer. The industry's deceit and dishonesty about reserves over the decades is now well known.

**Jackson Carlaw:** Does Mr Harvie believe that the fuel duty escalator is in fact high enough?

**Patrick Harvie:** I could have a long discussion with the member about what I would do if I were running the UK Government, but I am not.

On peak oil, we no longer have denial and dishonesty. The chief engineer of Arup said recently:

"Within five years we think peak oil is going to affect every aspect of our daily lives".

Richard Branson has said:

"The onset of peak oil and therefore the end of the era of cheap oil will have a very, very wide impact."

Ian Marchant of Scottish and Southern Energy has said:

"My sense is that peak oil is a clear risk. If you do not think about that risk it will become a ... problem."

However, some people still seem to be unwilling to think about that risk. We have heard speeches from the front benches of all the other parties and from back-bench members without a single reference to the real underlying cause of the problem, which is not taxation, economics or ideology, but geology. As you were burning all the cheap stuff, you were building an economy that could not function without it.

**Keith Brown:** I seek further clarity on the Green Party's position. Is it true that it seeks an 8p per year increase in fuel duty, year on year, into the future?

**Patrick Harvie:** The member is talking about the Green Party of England and Wales. He can look forward to reading our manifesto when we publish it.

The peak oil task force states:

"The next five years will see us face another crunch"—

beyond the credit crunch, the oil crunch. It continues:

"This time, we have the chance to prepare. The challenge is to use that time well ... As we reach maximum oil extraction rates, the era of cheap oil is well behind us."

We are told:

"We must plan for a world in which oil prices are likely to be both higher and more volatile and where ... price shocks have the potential to destabilise"

the economy.

Rather than address that long-term problem—the real problem with oil—what is the response of all the other parties in the Parliament? Drill, baby, drill. Every single one of them supports proposals for irresponsible deepwater oil drilling off Shetland.

**Alasdair Allan:** Will the member give way?

**Patrick Harvie:** No, thank you.

There is a real and serious case around the cost of living. On food, growing and trading locally and cooking with real ingredients can bring down people's prices. On housing, our proposals on a land value tax can bring down prices. On energy, using less and using it more efficiently will bring down prices. On transport, public transport and demand reduction will mean using less oil. Ultimately, we need to be prepared for peak oil

and climate change. The rest of the parties seem prepared for nothing but party politics.

18:24

**Dave Thompson (Highlands and Islands) (SNP):** Over the years, many studies have been carried out on the supply and price of fuel in the Highlands and Islands, some of which I was involved in as director of protective services for Highland Council. The Highlands and Islands action group on hydrocarbon fuel prices also did some good work in pressing the Office of Fair Trading to investigate the matter, but no evidence was found of profiteering by retailers. That is not where the problem lies.

The main problem is with the duty and VAT that is levied by Government. On a litre of fuel, the duty and VAT account for more than 60 per cent of the cost, with the retailer getting less than 4 per cent. It is Government that must take action, which is what this debate is about.

Of course, the debate would be totally unnecessary if the Lib Dems in Westminster had kept their promises to reduce fuel prices. Many suspected that their oft-repeated claims that they would champion lower fuel prices for the Highlands and Islands would evaporate if they ever got into power. How right they were.

That is why, back in May last year, I lodged a motion that called on Danny Alexander, the new Secretary of State for Scotland—and now Chief Secretary to the Treasury—to use his position to deliver on his party's repeated calls for a meaningful reduction in fuel taxation. However, almost a year after his election, he is now saying that the fuel stabiliser is

"a complicated idea and it's difficult to see precisely how we achieve it",

and he has come out with the highly technical monetary sentence:

"We can't sacrifice income willy nilly."

Is a fuel stabiliser too complicated? The FSB does not think so. It says that the stabiliser is a commonsense and relatively simple measure to introduce. It explains that the concept is straightforward: when oil prices rise, the stabiliser allows Government to reduce duty to a lower limit, and when oil prices fall, the Government can raise duty to a higher limit.

**Liam McArthur:** Mr Thompson has clearly set out the broad principle, which a number of members have enunciated in this debate. Would he care to have a stab at where he would pitch the base rate for fuel in the stabiliser that he would like to see?

**Dave Thompson:** I am amazed that Liam McArthur thinks that the great brains in London and Westminster will not be able to work that out for themselves.

The great thing about the stabiliser is that it would ensure that the cost of fuel stayed relatively stable so that businesses and householders could budget with some degree of certainty. That is what the Lib Dems promised, but when they got a chance to vote for it at Westminster last month, they joined the Tories to oppose it, while Labour was nowhere to be seen.

Of course, a stabiliser would not help with the even higher prices in rural and remote areas. Today, for instance, a litre of diesel is 131.9p in Inverness, 137.9p in Aviemore, 142.9p in Kyle of Lochalsh and a whopping 147.5p in Armadale on Skye.

The Liberals made great play in opposition of their campaign to reduce fuel prices in remote and rural areas, but where has that promise got to? It seems to have been watered down to cover only the Hebrides, Orkney and Shetland, with no mention of the remote and rural mainland. Danny Alexander's rural constituents in Badenoch and Strathspey and around Loch Ness will not be too happy about that, and neither will consumers in places such as Wester Ross and Lochaber.

Meanwhile, Highlanders can see the lights of the rigs in Europe's largest oil field from their kitchen windows, yet they still face Europe's highest fuel prices at the pump. The Highlands and Islands is an area in which average wages are well below the Scottish average and living costs are well above it; in which people have to travel much greater distances on poorer roads; and in which the Lib Dems have won election after election by promising to do something about high fuel costs. Now is the time for them to deliver, and I hope that they will.

The Road Haulage Association has been very active in the campaign—

**Jim Hume:** Will the member take an intervention?

**Dave Thompson:** Maybe in a minute.

The RHA has been active in the campaign for fair fuel prices. Haulage firms in the Highlands and Islands are particularly badly hit by high fuel prices. Only today, Duncan Boyd, a director of the Lochaber firm Boyd Brothers timber and haulage of Corpach, told me:

"All hauliers are seriously struggling with fuel prices this high. They are lucky if they are able to break even and some have already fallen by the wayside or had to put some of their drivers on the dole. You have to put money out for fuel and you can't go running to your customers every time it goes up or you will lose business."

The firm also ships cargo by sea, and Duncan Boyd told me that that part of his business is affected in exactly the same way by high fuel prices and that the Government—the UK Government—needs to give industry a break.

I give way to Jim Hume.

**The Presiding Officer:** This should be very quick, because the member is in his last minute.

**Jim Hume:** I was not asking to get in, but thank you very much.

Dave Thompson has gone on about people breaking their promises and so on. When will the SNP reverse the alternative fuel situation? It promised that 100 per cent of public vehicles would be using alternative fuel—

**Stewart Stevenson:** By 2020.

**Jim Hume:** Correct. In the past few years, we have had half the alternative-fuel vehicles that we had four years ago. We are going the wrong way.

**The Presiding Officer:** Dave Thompson, you have 15 seconds left.

**Dave Thompson:** Mr Hume's smokescreen will not work. The public out there know what the Liberal Democrats promised in the past. The people of the Highlands and Islands have read their election leaflets year after year. The Lib Dems will not get away with it.

The evidence is overwhelming. The Highlands and Islands—

**The Presiding Officer:** I am sorry, Mr Thompson, but you are out of time. I must move on—

**Dave Thompson:** The answer is obvious—

**The Presiding Officer:** Mr Thompson!

I call Liam McArthur to close on behalf of the Scottish Liberal Democrats.

18:31

**Liam McArthur (Orkney) (LD):** I note that, as a reward for having spent the entire day dealing with the Wildlife and Natural Environment (Scotland) Bill, I had the privilege of being invited to bear witness to Stewart Stevenson's 400<sup>th</sup> oration, while George Foulkes clearly had somewhere else he would rather be—and, indeed, he has gone there.

Gavin Brown quite rightly set out the reasons why we are here. The purpose of the debate and the motion is to recognise the difficulties created by high fuel prices. Everybody has had an opportunity to state the impact on their constituencies and regions. High fuel prices affect all parts of the country. However, as a number of members have said, the effects are particularly



acute in rural areas. As Dave Thompson said, the high cost of supplying and distributing fuel to our island communities has a major impact on families and businesses in those areas. There is a triple whammy there: long distances, high costs and little or no alternative transport. In addition, incomes in those parts of the country are often well below the national average.

I was pleased to note the minister's rather generous reference to my constituency. I am not sure that his generosity would extend to buying me a couple of litres of fuel in Eday or North Ronaldsay. Alasdair Allan said that he, I, Tavish Scott and others are engaged almost in a Dutch auction to see whose constituency has the highest fuel prices at any given time.

The other purpose of the debate is to provide the opportunity for the Scottish Parliament as a whole to send a clear message. The minister referred to the notion of speaking with one voice. That is still achievable, save for the discordant noises coming from the Labour Party. Stewart Stevenson mentioned Mr Gordon's earlier reference to times when a pint cost half a crown, which put me in mind of statements by previous UK Labour ministers who likened the high fuel prices in rural areas to the high price of beer in pubs in central London.

**Charlie Gordon:** I would be rather distressed if the member was suggesting that I made such a frivolous analogy, because Mr Stevenson's quote was from a quite different context.

**Liam McArthur:** I am more than happy to put the record straight. I was referring to John Healey, a previous Treasury minister.

Complaints about the VAT increase ring rather hollow. Jackson Carlaw said that we know that £14 billion of cuts were planned, but we also know that Labour has opposed every single cut that has been put forward. There is no detail at all. It would not take the activities of WikiLeaks to divulge the fact that Alistair Darling was well intent on and committed to a VAT increase of a similar level and magnitude.

**Keith Brown:** A more authoritative source than the House of Commons library, which Charlie Gordon mentioned—Peter Mandelson's "The Third Man"—confirms that two further VAT increases were planned under the Labour Party. Alistair Darling has never denied that fact.

**Liam McArthur:** I am always wary of praying in aid Peter Mandelson, but I will take the minister's assurance on that point. That reflects the rather consensual approach taken by the minister in his opening remarks. However, I noted that, although he was happy to talk about the principle of a fuel duty stabiliser, he was—like his party colleagues—less eager to talk about the detail.

The suggestion from several SNP members of a lack of progress in delivering the rural fuel duty reduction is somewhat harsh. A number of members have explained the intricacies of negotiations with the EU and the length of time that they can and will take—even David Stewart acknowledged that.

**Stewart Stevenson:** Will Liam McArthur take an intervention?

**Liam McArthur:** I am sorry, but I have taken a couple of interventions and I need to get through my speech.

**Ross Finnie (West of Scotland) (LD):** It would have been Stewart Stevenson's 401<sup>st</sup> contribution.

**Liam McArthur:** He will have to wait a little longer for that.

The minister referred to support for a reduction in ferry fares. It would be remiss of me not to note that the road equivalent tariff ferry pilot scheme does not extend to my constituency or to that of Mr Gibson, who treated us to his less than consensual stump speech. He listed countries and the prices that are paid in them, but he seemed to exclude Norway, which I understand is the only place that has higher oil prices than us.

As for stump speeches, we heard a fairly familiar contribution from Patrick Harvie. He was right to make the point that expensive oil is here to stay—it is part of a longer-term problem. We have all—even Jackson Carlaw—signed up to the Climate Change (Scotland) Act 2009. We must reduce our dependency on oil and decarbonise our economy, so the points that Jim Hume made about alternatives such as hybrid and electric vehicles and about the infrastructure to support them are valid.

Liberal Democrats have delivered on our specific commitments. My colleagues tabled amendments to finance bills to propose a fuel duty rebate for rural areas; now, in coalition government, they are delivering it. The negotiation process is too slow, but it is taking place. The principle of the fuel duty stabiliser is well established, but we all accept that the detail is difficult—the OBR has highlighted several ways in which that is the case. However, those ideas are being progressed. Further action needs to happen, which is why we will support the motion. It is not too late for the Labour Party to come on board, and I hope that it will do so.

18:37

**Jackson Carlaw:** I will focus on two or three speeches that were made. I will start with the most outstanding speech in the debate, which was from the former minister Stewart Stevenson. It takes a politician with a target-culture mentality that brooks

no peer to tell us that his speech was his 400<sup>th</sup> performance in the chamber. Of course, we all know that every one of those contributions demonstrated a different expertise that arises from his many and varied careers.

Stewart Stevenson summed up matters well. He talked about the history of the motor car. When he bought his first car, it was probably cheaper than a tank of fuel today. My father said that the windscreen and the seat were optional—he used to bring back cars from the factory and sit on a box. However, the fuel was never optional—a car always needed fuel.

Stewart Stevenson made a key point on an argument that Mr Gordon must address in summing up. If the Labour amendment is not agreed to, will Labour support the motion? As we go towards the budget, will the Parliament speak with one voice on cancelling the fuel levy and introducing a fair fuel stabiliser? It will be shameful if we are not united when we leave the chamber tonight and if the Labour Party does not support the motion, which addresses directly the concerns of people across Scotland.

The second speech that I need to discuss is that from Mr Harvie. Sometimes, I do not have time but, tonight, I have a bit of time, because I have spoken twice. Here we go—we have the highest fuel prices in Europe and Mr Harvie does not feel that they are high enough. He wants people in this country to be uniquely prejudiced. He wants us uniquely to tackle the whole international oil situation and does not want it to be tackled by the wider community. He was reluctant to confirm whether he would support the 8p increase in the fuel duty escalator of his colleagues down south. I conclude from that only that he will have a much higher figure in his manifesto when he presents himself to the Scottish electorate.

Mr Harvie referred to the Office for Budget Responsibility, as did Mr Gordon several times. That body raised issues with the fair fuel stabiliser. One, of course, is in looking at the effects of higher energy prices. It is not the case that higher energy prices automatically generate endless additional income for the revenue. The cost of additional fuel means that other receipts from taxation go down and some benefit payments go up. It is not the case, as Mr Harvie said, that if things are made more efficient, we use less of them. Over the past 25 years we have made the motor car more efficient and a vehicle now travels far further on a tank of fuel. The effect of that has not been that people use their motor vehicles less; they use them more. Similarly, if we make homes more efficient, it does not mean that people necessarily use less energy; they may use more. In bringing people out of fuel poverty, we encourage them to heat their homes more than

they did previously. It does not always follow that if things are made more efficient, people use them less. We cannot support Mr Harvie's prejudiced attitude to the cost of fuel.

Cathy Peattie's speech was typical of the speeches of a number of members. Over the years, I have come to the point where I never discard the genuine sincerity of her contributions, but when she said that the financial situation was not of Labour's making and that it was not in its control, I had to take a deep breath. The financial situation with which we are faced is entirely of Labour's making. The situation was completely out of control when her party was responsible for it. Instead of crying crocodile tears tonight, Labour members should be hammering their discredited big chum in Fife. He was responsible for the shambles that we find ourselves in.

David Stewart was quick, as other members were, to say that the coalition Government was a little slow in coming forward with the fuel duty escalator. However, when Mr McArthur intervened on him with the most basic question about the level at which he would pitch the duty, he was unable to answer. Therein lies the inherent difficulty that the coalition Government is seeking to deal with. Mr Stewart—[*Interruption.*]

**Dave Thompson:** Will the member take an intervention?

**Jackson Carlaw:** I am sorry, I called the member Mr Stewart, I should have said Mr Thompson. If he can confirm the level, it will be a helpful enlightenment in the debate.

**Dave Thompson:** The answer is simple: we will discuss the matter at the time. The level that is set will be appropriate to the economic circumstances of the day. That is how you do it. It is not a complicated thing, which is why it should be able to be done very quickly.

**Jackson Carlaw:** I am less enlightened and further befuddled.

I say to Alasdair Allan that his concerns about the isles are the reason why we have acted as we have. I said earlier that we intend to represent the best interests of Scotland and I apply that also to the coastguard centre cuts motion that he brought before the Parliament in a recent members' business debate. Next week, I will meet UK ministers to represent the views that he expressed.

There is no doubt but that the issue is a serious one for people across Scotland. As I said in my opening speech, the Scottish Conservatives will support the motion tonight, and we will do so willingly.

18:43

**Charlie Gordon:** I thought that the minister was emollient in his opening speech. If he does not mind, I prefer my source to be the House of Commons library, not Peter Mandelson.

The minister spoke about fuel duty derogation for rural areas, which Alasdair Allan mentioned in his speech. The Government motion notes

“the UK Government’s proposal to introduce a 5p-per-litre fuel discount scheme for island communities”.

I am open to correction on what I said—I will have to check the *Official Report*—but I think that it was that there are no proposals in the Government motion. I stick to that. The motion simply notes the Tory Government proposal. The more that we have heard from the Tories tonight, the more it sounds as though the proposal is unlikely to see the light of day. Surely the SNP wants its own policy on fuel duty derogation for rural areas.

I asked Jackson Carlaw to say exactly how the Tory Government fuel duty stabiliser will work. He referred me to the budget of 23 March. I predict that we will not see the finished article that day.

Alison McInnes had a right go at Labour. To illustrate her point, she mentioned nurses who are dependent on their cars. I accept that for many people in rural areas the car will always be the primary means of transport. She mentioned that nurses had to use cars because bus services finished early. What a pity that she did not support my bus bill proposal, which might have helped in those situations.

I want to make a point to Kenny Gibson as the member who represents the Isle of Arran. He is perfectly entitled to give high priority to the fuel duty issue, but I found it strange that he did not press his own Government to include the Isle of Arran in something that is within its gift—the road equivalent tariff pilot. I look forward to the day, in the not-too-distant future, when it is included.

Cathy Gibson made a couple of arresting points that were perhaps not mentioned by any of the rest of us—

**Members:** Cathy Gibson?

**Charlie Gordon:** Sorry, Cathy Peattie. As Stewart Stevenson pointed out, I am not getting any younger—but I am younger than he is. [*Laughter.*]

Cathy Peattie made a couple of extremely important points about the effect of high fuel prices on people on fixed incomes, which includes people in urban constituencies such as my own. She made an important climate change point, too, about the opportunity to remind people about eco-driving, which not only is part of our response to

high fuel prices, but helps us with our national climate change objectives.

It was good to debate with Stewart Stevenson again. I congratulate him on his 400<sup>th</sup> speech, presumably not counting interventions. Once again, I found him to be a conscientious adversary.

Jim Hume told us that Danny Alexander, no less, is exploring derogation. Unfortunately, Scottish history shows that a lot of explorers get lost and are never seen again.

Dave Stewart made a number of important and in some respects novel and practical suggestions about other things that we can do in a devolved setting about mitigating the effects of high fuel prices in rural areas.

Gavin Brown told us that this could all get worse. On the stabiliser, he said, “Well, we’re consulting, but there’s a problem about the pace of change” and, “This is all very complex.” At least he was clear when he said that he thought that the rise in fuel duty scheduled for April should be scrubbed, but when it came to rural derogation and the proposed rural fuel pilot—

**Gavin Brown:** Will the member give way?

**Charlie Gordon:** Yes.

**Gavin Brown:** The member talked about things that we can do here in this Parliament. If Labour’s amendment is defeated this evening, will the Labour Party allow this Parliament to speak with one voice and support the main motion?

**Charlie Gordon:** The member will find out shortly. Given that the people who are hurting out there are watching us, the other MSPs in this Parliament must have regard to the fact that we are the only party that is proposing a 3 per cent cut in fuel duty and we have explained precisely how that can be funded. No one else has addressed that.

**Keith Brown:** Will the member give way?

**Charlie Gordon:** Perhaps the minister will do that now.

**Keith Brown:** Achieving the cut through the reversal of the VAT increase does not address the points made by Labour members. It does not address instability, which was raised, or the business issue, as most businesses can reclaim the money. Surely we can do more than the one measure that Labour has identified in its amendment.

**Charlie Gordon:** According to Dave Thompson, the SNP’s proposed regulator would be set in a short-term way, so it does not sound like a long-term solution to me. What we know is that people

are hurting to an exceptional degree, and we must move quickly with practical responses.

Liam McArthur said that Labour is sounding a discordant note tonight. I do not think that a practical, costed proposal to reduce fuel duty by 3p a litre can fairly be called discordant.

Labour will continue its fight not only to cancel the fuel duty rise scheduled for April, but to use the bankers tax—the £800 million windfall that the Tory Government has received—to cut fuel duty by 3p a litre. That is worthy of the support of the rest of the Parliament.

**Jim Hume:** Will the member take an intervention?

**Charlie Gordon:** I have finished.

**The Presiding Officer:** In that case, I call Keith Brown to wind up the debate on behalf of the Government.

**Kenneth Gibson:** Gaun yersell!

18:50

**Keith Brown:** I thank the Presiding Officer and Mr Gibson.

The debate has been useful and, in general, consensual; there is at least consensus that fuel duty is a vital issue that affects individuals, families and businesses. We should not lose sight of the impact on businesses, because the longer we allow very high prices to go on without taking action, the greater the brake that is put on the economy. The consensus is important, as Gavin Brown and other members said. If the Parliament can unite with one voice tonight, we will send a powerful message and our voice will be added to the voices of the Northern Ireland Assembly and the National Assembly for Wales as we try to get the point across to the Westminster Government.

We will not support the Labour amendment, mainly because it seeks to get us to agree to rule out the regulator. I think that I explained why the regulator is extremely important. The measure that is proposed in the amendment would not address instability, which has been said to be a concern, and would not address the issue to do with businesses, because by and large most businesses are able to reclaim the VAT.

**Charlie Gordon:** What is the minister's view of the report of the Office for Budget Responsibility, whose analysis apparently shows that a fuel duty regulator or stabiliser would not work and that compensatory problems would make it unworkable?

**Keith Brown:** I think that the member probably misrepresented the OBR's position. I am stunned by the respect that Charlie Gordon seems to give

to the Conservative and Liberal Democrat Government's Office for Budget Responsibility. It is perfectly legitimate for elected Governments to take their own advice and follow their own initiatives. The same issue would have arisen if we had taken heed of some of the siren voices that told us that a council tax freeze was not possible—but we achieved a council tax freeze in the first year of government.

I said that we support VAT reversal—we voted against the VAT increase. VAT is a regressive tax. Of course there is merit in the argument that in essence the Labour Party flushed the economy down the toilet and dramatic things must be done to remedy the situation—[*Interruption.*] I remind Labour members of Liam Byrne's note, which said that there is no money left. After 13 years in government, the Labour Party left the country with no money, and action must be taken.

It is perfectly legitimate to argue for a derogation—the motion does not use the word, but the policy that is mentioned in the motion could not be achieved without a derogation. That brings me to the issue that has proved difficult for some members who support the motion. Jim Hume and Dave Thompson in particular found it difficult to get away from their long-standing concerns and campaigns—quite rightly, too. There was a bit of friction on how long it has taken the UK Government to act.

As many members said, the issue is very real and immediate for people. Perhaps Gavin Brown said that most forcefully. People are thinking twice about whether to make a journey—even an essential journey—in the car because of the cost of fuel. The cost of fuel is hammering families and certain individuals.

Since the UK Government came in it has committed to the policies that are mentioned in the motion. It has increased VAT and it has not yet completely ruled out the increase that is due in April. I accept that the issues are complicated, but I would have thought that it was possible to work around the clock on an issue that is as urgent as the one we are considering. Perhaps that has not happened because of the cost of the midnight oil, but it should happen. There should be urgency on the issue. As I said, the Scottish Government had to act quickly on the council tax and we worked hard to achieve the freeze.

The expertise on fuel duty rests at Westminster, with the Treasury, which collects taxes. It is right that we say what we think the general principles are and it is right that the Treasury should work out the detail.

**Liam McArthur:** Does the minister accept that although the expertise is at Westminster and the final decision will be taken there, it would aid and

perhaps accelerate the process if he and his officials engaged not just on the principles, which have been well and truly established, but on the detail?

**Keith Brown:** I am more than happy to engage. I cannot say that there has been huge enthusiasm on the part of HM Treasury to ask our opinion on such matters, especially in relation to reserved areas, but we are happy to engage on the issue. Of course, it takes two partners to engage in that way.

We have taken a range of measures to support people in these difficult times. The on-going council tax freeze has been mentioned, but the abolition of prescription charges is also important. The small business bonus is also important to people. It eliminated the business rate burden on 74,000 properties. Those measures make a real difference to Scottish households and businesses.

We would be delighted if we had the tax levers to address the high fuel prices directly but, sadly for us, that remains the responsibility of the UK Government. Perhaps the Scotland Bill Committee might consider that in greater detail in its deliberations.

Ministers have repeatedly called on the UK Government to take immediate action to address the high petrol and diesel prices that motorists face. We have put forward genuinely constructive and workable solutions, which have been described in the chamber today. I am pleased that it seems like our calls for action are about to be addressed. The chancellor has committed to addressing the issue in this month's budget. It is now vital that he follows through on the assurance that he provided and delivers real support for Scottish motorists. The most crucial part of that is the postponement of the rise in duty that is planned for April, which would have a better effect than Labour's proposed VAT reversal. It would have a bigger effect because of the size of the increase. When the UK Government considers that, it is extremely important that it also takes into account the representations that are made by the Welsh Assembly Government and the Northern Ireland Executive. The UK Government can take that step immediately, but it would be useful if it could also make a statement on future rises that Labour scheduled in previous years. That would not alleviate the difficulties that current pump prices cause motorists, but it would ensure that the UK Government does not make matters worse with further tax rises.

The VAT reversal for which the Labour Party argues does not prevent massively increased tax revenues from fuel. That is one of the main reasons why it would not have the same effect as the measures that we propose.

Some people have argued that cutting fuel duty is unaffordable when Government borrowing is so high. The deterioration of the UK public finances under the previous Government must be taken into account, but the simple fact is that the regulator is a hugely beneficial measure for the entire economy. If we can take off the brake of people not being able to distribute, deliver and receive goods in the most cost-efficient way, we can help the economy.

As my colleague Stewart Stevenson mentioned, there is a massive windfall to the UK Treasury through fuel duty. It is currently around £2 billion; it is receiving £12 billion as opposed to £10 billion. The potential exists to make a real difference.

Fuel duty is an extremely important matter for the people of Scotland. It is extremely important that the Parliament discusses it. Lord George Foulkes thought that the debate was a waste of time and that his time could be better spent elsewhere.

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** He is on the phone.

**Keith Brown:** Apparently, he is on the phone just now.

**The Presiding Officer:** I remind members that telephones should not be used in the chamber.

**Keith Brown:** That confirms that Lord George Foulkes thinks that there are far more important things for him to do than address the issue, which is vital to the people of Scotland. He may want to find a red bounce to go elsewhere, but that is up to him. It will be salutary for the Labour Party if it is seen to treat the issue as superficially as George Foulkes has treated it.

The issue is extremely important. I am delighted that the SNP Government has chosen to use its time to show some leadership to the Parliament in the debate and has managed to work with partners in the Parliament to try to create a united voice.

The challenge now rests with the Labour Party. Does it want to stand to one side and be the one group that is in favour of increased prices for the people of Scotland—increased punishment for Scotland's motorists—as would be the case under its proposals, or does it want to work with the Parliament and the people of Scotland, Wales and Northern Ireland to try to get the best possible deal for motorists in hard times? [*Interruption.*]

**The Presiding Officer:** Order. There is too much noise.

**Keith Brown:** I am pleased to commend the motion.

**The Presiding Officer:** That concludes the debate on fuel duty.

## Business Motions

18:59

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-8049, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for Thursday 3 March 2011.

*Motion moved,*

That the Parliament agrees the following revision to the programme of business for Thursday 3 March 2011—

delete

9.15 am Parliamentary Bureau Motions

*followed by* Public Audit Committee Debate: Session 3 reports of the Public Audit Committee – key themes

and insert

9.10 am Parliamentary Bureau Motions

*followed by* Debate: 2015 Elections

*followed by* Public Audit Committee Debate: Session 3 reports of the Public Audit Committee – key themes—[*Bruce Crawford.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S3M-8050, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Wednesday 9 March 2011

1.15 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Members' Business

*followed by* Ministerial Statement: Scottish Government's Response to Teaching Scotland's Future

*followed by* Finance Committee Debate: Preventative Spending

*followed by* Standards, Procedures and Public Appointments Committee Debate: Standing Orders - Financial Resolutions

*followed by* Standards, Procedures and Public Appointments Committee Debate: Standing Orders - Scrutiny of SPCB Supported Bodies

*followed by* Stage 3 Proceedings: Reservoirs (Scotland) Bill

*followed by* Legislative Consent Motion: Health and Social Care Bill - UK Legislation

*followed by* Business Motion  
*followed by* Parliamentary Bureau Motions  
 7.00 pm Decision Time  
 Thursday 10 March 2011  
 9.15 am Parliamentary Bureau Motions  
*followed by* Scottish Liberal Democrat Party Business  
 11.40 am General Question Time  
 12.00 pm First Minister's Question Time  
 12.30 pm Members' Business  
 2.00 pm Themed Question Time  
 Europe, External Affairs and Culture;  
 Education and Lifelong Learning  
 2.40 pm Legislative Consent Motion: Scotland Bill  
 - UK Legislation  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business  
 Wednesday 16 March 2011  
 9.15 am Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Scottish Government Business  
*followed by* Stage 3 Proceedings: Public Records  
 (Scotland) Bill  
*followed by* Members' Business  
 2.35 pm Scottish Government Business  
*followed by* Stage 3 Proceedings: Domestic Abuse  
 (Scotland) Bill  
*followed by* Stage 3 Proceedings: Local Electoral  
 Administration (Scotland) Bill  
*followed by* Stage 3 Proceedings: Certification of  
 Death (Scotland) Bill  
*followed by* Business Motion  
*followed by* Parliamentary Bureau Motions  
 7.00 pm Decision Time  
 Thursday 17 March 2011  
 9.15 am Parliamentary Bureau Motions  
*followed by* Scottish Government Business  
 11.40 am General Question Time  
 12.00 pm First Minister's Question Time  
 12.30 pm Members' Business  
 2.15 pm Themed Question Time  
 Health and Wellbeing  
 2.55 pm Stage 3 Proceedings: Private Rented  
 Housing (Scotland) Bill  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Wednesday 9 March 2011, "after Time for Reflection and Parliamentary Bureau Motions" be substituted for "at the end of the meeting following Decision Time" in Rule 5.6.1(c) of Standing Orders;

(c) that, for the purposes of Members' Business on Thursday 10 March 2011, "at the end of First Minister's Question Time and at the end of the meeting following Decision Time" be substituted for "at the end of the meeting following Decision Time" in Rule 5.6.1(c) of Standing Orders;

(d) that, for the purposes of Members' Business on Wednesday 16 March 2011, "after Stage 3 Proceedings: Public Records (Scotland) Bill" be substituted for "at the end of the meeting following Decision Time" in Rule 5.6.1(c) of Standing Orders;

(e) that, for the purposes of Members' Business on Thursday 17 March 2011, "at the end of First Minister's Question Time and at the end of the meeting following Decision Time" be substituted for "at the end of the meeting following Decision Time" in Rule 5.6.1(c) of Standing Orders.—[Bruce Crawford.]

*Motion agreed to.*

(b) that, for the purposes of Members' Business on

## Parliamentary Bureau Motions

**The Presiding Officer:** The questions on those motions will be put at decision time.

18:59

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of 10 Parliamentary Bureau motions, on the approval of Scottish statutory instruments. I ask Bruce Crawford to move motion S3M-8039, on the approval of an SSI regarding the M8.

*Motion moved,*

That the Parliament agrees that the M8 (Baillieston to Newhouse) Special Road Scheme 2011 (SSI 2011/10) be approved.—[*Bruce Crawford.*]

**The Presiding Officer:** I ask Bruce Crawford to move motion S3M-8040, on the approval of an SSI regarding the A8.

*Motion moved,*

That the Parliament agrees that the A8 Trunk Road (Baillieston to Newhouse) Order 2011 (SSI 2011/11) be approved.—[*Bruce Crawford.*]

**The Presiding Officer:** I ask Bruce Crawford to move motion S3M-8041, on the approval of an SSI regarding the A725.

*Motion moved,*

That the Parliament agrees that the A725 Trunk Road (Baillieston to Newhouse) Order 2011 (SSI 2011/12) be approved.—[*Bruce Crawford.*]

**The Presiding Officer:** I ask Bruce Crawford to move motions S3M-8042 to S3M-8048, on various other SSIs, en bloc.

*Motions moved,*

That the Parliament agrees that the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Healthcare Improvement Scotland (Inspections) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Public Services Reform (Joint Inspections) (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Public Services Reform (Social Services Inspections) (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Children's Hearings (Scotland) Act 2011 (Consequential Provision) and Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Muntjac Keeping (Scotland) Order 2011 (SSI 2011/made) be approved.

That the Parliament agrees that the Tenancy Deposit Schemes (Scotland) Regulations 2011 (SSI 2011/draft) be approved.—[*Bruce Crawford.*]



## Decision Time

19:00

### The Presiding Officer (Alex Fergusson):

There are seven questions to be put as a result of today's business.

The first question is, that motion S3M-8020, in the name of Roseanna Cunningham, on the Wildlife and Natural Environment (Scotland) Bill, be agreed to.

#### *Motion agreed to,*

That the Parliament agrees that the Wildlife and Natural Environment (Scotland) Bill be passed.

**The Presiding Officer:** The next question is, that amendment S3M-8032.1, in the name of Charlie Gordon, which seeks to amend motion S3M-8032, in the name of Keith Brown, on fuel duty, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

### Against

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)

Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 44, Against 78, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S3M-8032, in the name of Keith Brown, on fuel duty, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### Against

Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)

#### Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 75, Against 3, Abstentions 43.

*Motion agreed to,*

That the Parliament notes that petrol and diesel prices in Scotland are among the highest in Europe and have reached record levels and that the planned rise in fuel duty by the UK Government in April 2011 could increase prices by a further 4p per litre; recognises that such increases impose an additional burden on households and businesses at a time of rising living costs and could undermine the economic recovery; notes the UK Government's proposal to introduce a 5p-per-litre fuel discount scheme for island communities, and calls on the UK Government to cancel the rise in fuel duty planned for April and implement a fuel duty regulator that would ensure that some of the additional revenue that the UK Government will receive from increased revenues due to recent increases in oil prices is used to reduce fuel duty to help support Scottish households and businesses.

**The Presiding Officer:** The next question is, that motion S3M-8039, in the name of Bruce Crawford, on the approval of a Scottish statutory instrument regarding the M8, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Annesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### Against

Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)

**The Presiding Officer:** The result of the division is: For 120, Against 2, Abstentions 0.

#### *Motion agreed to,*

That the Parliament agrees that the M8 (Baillieston to Newhouse) Special Road Scheme 2011 (SSI 2011/10) be approved.

**The Presiding Officer:** The next question is, that motion S3M-8040, in the name of Bruce Crawford, on the approval of an SSI regarding the A8, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)

Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)

Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### Against

Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)

**The Presiding Officer:** The result of the division is: For 119, Against 2, Abstentions 0.

#### *Motion agreed to,*

That the Parliament agrees that the A8 Trunk Road (Baillieston to Newhouse) Order 2011 (SSI 2011/11) be approved.

**The Presiding Officer:** The next question is, that motion S3M-8041, in the name of Bruce Crawford, on approval of an SSI regarding the A725, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)

Doris, Bob (Glasgow) (SNP)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Etrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### Against

Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)

**The Presiding Officer:** The result of the division is: For 120, Against 2, Abstentions 0.

#### *Motion agreed to,*

That the Parliament agrees that the A725 Trunk Road (Baillieston to Newhouse) Order 2011 (SSI 2011/12) be approved.

**The Presiding Officer:** I propose to put a single question on motions S3M-8042 to S3M-8048, on approval of SSIs. If anyone objects, please say so now.

No one objects, so the final question is, that motions S3M-8042 to S3M-8048, in the name of Bruce Crawford, on approval of SSIs, be agreed to.

#### *Motions agreed to,*

That the Parliament agrees that the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Healthcare Improvement Scotland (Inspections) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Public Services Reform (Joint Inspections) (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Public Services Reform (Social Services Inspections) (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Children's Hearings (Scotland) Act 2011 (Consequential Provision) and Public Appointments and Public Bodies etc. (Scotland) Act 2003

(Amendment of Specified Authorities) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Muntjac Keeping (Scotland) Order 2011 (SSI 2011/made) be approved.

That the Parliament agrees that the Tenancy Deposit Schemes (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

*Meeting closed at 19:05.*

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